

Act I of 2017**on the Code of Administrative Procedure¹**

Valid: 2024. 01. 01. – 2025. 08. 18.

The National Assembly, respecting the achievements of the historical constitution,
Recognizing the independence of administrative justice and renewing its national traditions,
Recognizing the need for independent procedural rules enabling the efficient, rapid and professional adjudication of administrative lawsuits,
for the purpose of ensuring legal protection and redress against unlawful activities of the public administration by administrative courts, and
in order to ensure that public administration bodies exercise their powers in accordance with the law and that their activities are in accordance with the objectives for which they were implemented,
[enacts the following law for the implementation of Article 25\(2\)\(b\)–\(d\) of the Fundamental Law](#) :

PART ONE**GENERAL PROVISIONS***Chapter I***BASIC PROVISIONS****Section 1 [Scope of the Act]**

(1) This Act shall apply to administrative litigation for the resolution of administrative disputes and to other administrative court proceedings.

(2) The scope of this Act does not extend to the adjudication of administrative disputes to which the application of other rules of court procedure is prescribed by law.

Section 2 [Duty of the court]

(1) The court shall ensure, through its proceedings, effective legal protection against infringements committed through administrative activities, upon a well-founded request to that effect.

(2) The court shall adjudicate the administrative dispute in a fair, focused and cost-effective procedure.

(3) In the interests of litigation concentration and procedural justice, the court shall, in the manner and by means specified in this Act, contribute to the parties and other persons involved in the litigation exercising their procedural rights and fulfilling their obligations.

(4) Unless otherwise provided by this Act, the court shall adjudicate the administrative dispute within the framework of the application for a claim, the requests and legal declarations submitted by the parties. The court shall consider the requests and declarations submitted by the parties not according to their formal designation, but according to their content.

(5) In cases specified by law, the court may order an investigation or the taking of evidence ex officio.

(6) The court shall ensure that the parties are able to familiarize themselves with all applications, statements, documents and evidence submitted to the court during the proceedings and to comment on them within a reasonable time limit.

(7) The court shall be obliged to provide the party acting without a legal representative with the necessary information on his procedural rights and obligations in the proceedings, on the possibility of submitting a request for representation by a legal representative, and, in justified cases, on the participation of a supporter in the proceedings.

§ 3 [Obligations of the parties]

(1) The parties are obliged to act in good faith and to cooperate with the court in order to achieve a concentrated conclusion of the proceedings.

(2) The parties are obliged to present their factual statements and other statements concerning facts in accordance with reality.

(3) The parties are responsible for discovering the facts necessary for the adjudication of the legal dispute and providing the data and evidence to support them, unless otherwise provided by law.

(4)

Section 4 [Administrative dispute]

(1) The subject of an administrative dispute is the legality of an act or omission of an administrative body regulated by administrative law, pursuant to paragraph (3) , aimed at or resulting in a change in the legal position of the legal entity affected by it (hereinafter collectively referred to as: administrative activity).

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(2) The disputed activity may be the subject of an administrative dispute if any party directly affected by the administrative activity has exhausted the administrative remedies provided by law against the disputed activity, or the lawsuit was preceded by another administrative procedure due to the provisions of law.

(3) Administrative action

a) the individual decision;
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b)

c) a provision of general application applicable to an individual case – not covered by the Act on Legislation;

d) the administrative contract.

(4) Unless otherwise provided by law, there shall be no administrative dispute

a) in connection with government activities, in particular national defense, immigration police and foreign affairs,

b) regarding the legality of an additional administrative act serving independently to implement an administrative act,

c) between parties in a management or control relationship with each other.
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(5) A provision of general application applicable in an individual case may be the subject of an administrative dispute together with the individual decision in the implementation of which it was applied. A provision of general application applicable in an individual case may be the subject of an administrative dispute independently if it is initiated by the body exercising legality supervision or legality control, or, failing that, by the prosecutor.

(6) The court shall not be bound by the designation of the administrative activity by the parties. The court shall take into account the administrative activity *ex officio* according to its content and adjudicate it in the appropriate procedure.

(7) For the purposes of this Act:

1. *administrative body*:

a) the state administrative body and its organizational unit and environment endowed with independent tasks and powers,

b) the representative body of the local government and its organs,

c) the body and organ of the minority self-government,

d) the public body, the higher education institution, and its official or body entrusted with independent tasks and powers,
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e) other organizations or persons authorized by law to carry out administrative acts;
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2. *public administrative contract*: a contract or agreement concluded between Hungarian public administrative bodies for the performance of a public task, as well as a contract classified as such by law or government decree;
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3. *public service legal relationship*: a legal relationship established between the state or a body acting on behalf of the state and a person employed on behalf of the state for the purpose of work or service, aimed at public service, containing special obligations and rights defined by law; this does not include the service relationship of judges, judicial employees, and prosecutor's office employees, as well as the legal relationship of those in employment;

4. *preventive procedure*: administrative authority or legal remedy procedure conducted for the implementation of the administrative act that is the subject of the legal dispute.
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(8)

Section 5 [Administrative judicial procedure]

(1) The court shall adjudicate administrative disputes in administrative proceedings.

(2) The court shall decide in an administrative case on a public law dispute the adjudication of which is referred by law to the jurisdiction of the court dealing with the administrative case.

(3) The court shall decide in proceedings aimed at examining the conflict of a local government decree with other legislation and in proceedings for the failure of the local government to fulfill its legislative obligation.
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(4) The court shall adjudicate a legal dispute related to a civil service legal relationship in an administrative proceeding. The rules of this Act relating to a public administrative body shall apply to the employing body, and the rules relating to administrative acts shall apply to decisions and measures related to a civil service legal relationship. The proceedings of the Civil Service Arbitration Board shall not be considered as a preventive proceeding.
¹²

(5) The court shall adjudicate a legal dispute related to a public administrative contractual relationship in an administrative lawsuit.

Section 6 [Application of the rules of the Code of Civil Procedure]

In administrative proceedings or other administrative court proceedings, the rules of the Code of Civil Procedure shall apply if expressly provided for by this Act. The rules of the Code of Civil Procedure shall be applied in accordance with this Act.

Chapter II

COURTS

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7. § [Courts dealing with administrative matters]

(1) Judges at first instance

a) the court operating with the administrative board (hereinafter referred to as: court),

b) in cases specified by law, the Curia.

(2) The court of appeal shall adjudicate:

a) in cases falling within the jurisdiction of the court, the adjudicating panel with an administrative panel (hereinafter referred to as: adjudicating panel),

b) in cases falling within the jurisdiction of the Curia.

(3) The Curia shall act in review cases.

Section 8 [Composition of the court]

(1) Unless otherwise provided in this Act, the court shall act in a panel consisting of three professional judges.

(2) The court panel may order at the preparatory panel session that a member of the panel act as a single judge if the case is of simple judgment both from a factual and legal point of view.

(3) Single Judges shall act in the first instance

a) in a lawsuit initiated to investigate an administrative act taken in a second-instance administrative procedure,

b) in a lawsuit initiated based on a claim challenging a payment obligation with a basic amount not exceeding ten million forints,

c) in proceedings relating to the entry and residence of persons with the right of free movement and residence and third-country nationals, as well as the right to asylum,

d) in a lawsuit related to administrative activities carried out by the head of the district office or a local government body,

e) in a lawsuit related to an official ID card, official certificate or the maintenance of official records,

f) in a lawsuit initiated against an official decision solely on the basis of a claim by another participant in the official procedure,

g) in a lawsuit related to an additional administrative act, as well as a decision rejecting the application or terminating the procedure,

h) in default proceedings,

i) in litigation related to civil service legal relations,

j) in administrative non-litigation proceedings.

(4) If justified by the particular complexity of the case, the single judge may, before the commencement of the trial in the proceedings referred to in paragraph (3), order that the case be heard by a panel of three professional judges. A single judge may not subsequently hear the case referred to the panel.

(5) The court panel at second instance shall consist of three professional judges.

(6) The Curia shall act in a panel of five professional judges. If the nature of the case so warrants, a maximum of two members of the panel of five professional judges may be professional judges who are not appointed as judges adjudicating in administrative cases. The president of the panel may exceptionally refer the case to a panel of three professional judges.

Section 9 [Rights and obligations of the members of the court]

(1) A single judge may take all measures and make all decisions that are assigned by law to the competence of the court, the court's council or the president.

(2) In cases referred to the competence of the court chamber, the president or a judge designated by him may take all measures outside the hearing and, with the exception of judgment, may take all decisions that are referred to the competence of the court by law. During the hearing, the president may take those measures and make such decisions that are expressly referred to the competence of the president by this law.

§ 10 [Exclusion]

(1) He is excluded from the settlement of the case and may not participate in it as a judge.

a) is the person who may participate in the lawsuit as a party or interested party,

b) the person who participated in the implementation of the disputed administrative activity,

c) an officer, member, founder of the party or interested party, in the case of a publicly traded joint-stock company, a member with influence, or a person in an employment relationship with the party or interested party – with the exception of a budgetary body – for five years following the termination of their legal relationship,

d) a representative, supporter or former representative, supporter of a person falling under points a), b) or c) who acted in the matter,

e) a relative of a person falling under points a), b), c) or d) under the Civil Code,

f) a person whose testimony has been ordered by the court or who has been appointed by the court as an expert, or who has given an expert opinion,

g) the person conducting the mediation procedure related to the lawsuit,

h) a person from whom an objective assessment of the case cannot be expected for other reasons.

(2) A judge who participated in the court proceedings prior to the decision challenged by the appeal shall also be excluded from handling the appeal.

(3) The court may not proceed in the case if

a) the manager of which is subject to a reason for exclusion as set out in points a) to e) of paragraph (1), or

b) which may participate in the lawsuit as a party or interested party.

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(4) The panel of judges shall decide on the question of disqualification if the court has no judge or council to whom the reason for disqualification does not apply, or if the reason for disqualification applies to the entire court.

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(5) The rules of the Code of Civil Procedure shall be applied accordingly for the filing and handling of the exclusion request.

Section 11 [*The court secretary and the court administrator*]

(1) In cases falling within the jurisdiction of the court of first instance, a court secretary may act instead of the single judge, the president or the judge designated by him outside the hearing.

(2) In the case specified in paragraph (1), the court secretary shall have the right to sign independently, unless otherwise provided by law. The court secretary may take all measures and, with the exception of judgments, may make all decisions that the law assigns to the competence of the court or the president. The order terminating the proceedings, with the exception of an order made in a simplified trial, may be made by the court secretary with the approval of the president or a judge designated by him.

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(3) The court secretary may not decide on matters of immediate legal protection.

(4) In cases specified in ²³ laws or government decrees, a court administrator may also act with independent signature rights outside a hearing, under the direction and supervision of the judge. The provisions specified in the law governing the proceedings of the court shall apply to the proceedings of the court administrator in such cases.

(5) The provisions on the disqualification of judges shall apply to the disqualification of court clerks, court administrators and registrars.

Chapter III

SCOPE AND JURISDICTION

²⁴ **12. §** ²⁵ [*Scope*]

(1) The jurisdiction of the tribunal includes administrative lawsuits and other administrative court proceedings, the adjudication of which is not referred by law to the jurisdiction of the Curia or the adjudicatory chamber.

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(2) The adjudicatory chamber shall act in the first instance

a) in the procedure for the designation of the acting administrative body, and

b) in matters referred to its competence by law.

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(3) The Curia acts in first and final instance

a) in proceedings aimed at determining the procedural means of redressing a constitutional complaint,

b) in proceedings aimed at examining the conflict of a local government decree with other legislation,

c) in proceedings for failure of the local government to fulfill its legislative obligation,

d) in proceedings related to the right of assembly, with the exception of dissolution, and

e) in matters referred to its competence by law.

²⁸ **13. §** [*Jurisdiction*]

(1) If the exclusive jurisdiction of another court has not been established, the court within whose jurisdiction the following shall have jurisdiction shall have jurisdiction:

a) in the case of a right or obligation related to real estate or a legal relationship concerning real estate, the real estate is located,

b) in the case of notification or authorization of an activity, the place or planned place of practice of the activity is located,

²⁹ except for those specified in points c) a) and b) , in the case of administrative activities of a public administrative body with jurisdiction covering more than one county, the place of residence, place of stay or registered office of the plaintiff is located,

d) except for those specified in points a)–c), the seat of the defaulting administrative body is located,

e) in the absence of the provisions of points a)–d), the administrative act that is the subject of the lawsuit – in the case of an act implemented in a multi-instance procedure, the first-instance administrative act – has been implemented.

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(2) In the case of an activity carried out at the seat of an administrative body with its seat in the capital but competent for the territory of Pest County or a part thereof, the place of implementation of the administrative activity shall be considered to be Pest County.

(3) The Metropolitan Court has exclusive jurisdiction

a) with the exception of litigation related to civil service legal relations, to legal disputes that

aa) unless otherwise provided by law, the independent regulatory body, the autonomous state administrative body and the central government office,

ab) the railway administrative body,

ac) the aviation authority and

ad) the Hungarian National Bank

related to its administrative activities,

b) legal disputes related to access to classified information, and

c) to adjudicate legal disputes related to the administrative activities of a public body, its organs or officials, legal disputes between the organs or officials of a public body, as well as legal disputes between the public body, its organs or officials and the

body exercising legal supervision or control over the public body.

(3a) The Metropolitan Court of Appeal has exclusive jurisdiction in matters falling within the jurisdiction of the court.

(4) If the administrative activity was carried out abroad, the Metropolitan Court has exclusive jurisdiction over the legal dispute.

(5) The court in whose jurisdiction the contract that is the subject of the lawsuit was concluded shall have jurisdiction over a lawsuit related to a public administrative contract. The court that has jurisdiction over a lawsuit against the principal obligor under any title shall also have jurisdiction over a claim against the secondary obligor.

(6) The parties may, in the event of any future legal dispute arising in connection with the public administrative contract, stipulate the jurisdiction of a court in the individually negotiated contractual provision of the public administrative contract, unless otherwise provided by law. This court shall have exclusive jurisdiction in all disputes relating to the public administrative contract, unless otherwise provided by law or otherwise agreed by the parties. The effect of the stipulation shall also extend to the legal successor.

(7) There is no jurisdiction clause in a matter for which a law establishes the exclusive jurisdiction of a court. The parties may not stipulate the jurisdiction of the Metropolitan Court in the event of any future legal dispute arising in connection with the public administrative contract.

(8) The court having jurisdiction over a civil service legal relationship shall be the court of the place of work concerned by the dispute – if the place of work is abroad, then the seat of the employing body. A natural person plaintiff may also initiate a civil service legal relationship

(9) Among several competent courts, the court to which the claim was first submitted or forwarded shall act.

Section 14 [*Examination of competence and jurisdiction*]

(1) The court shall take into account the lack of competence and jurisdiction ex officio.

(2) If the court proceeding in an administrative case establishes its jurisdiction, its decision shall be binding on other courts – not including the court proceeding in the second instance and the Curia.

(3) The date of filing of the statement of claim shall be decisive in determining the jurisdiction of the court. If the case falls within the jurisdiction of the court due to any change occurring after the filing of the statement of claim, the jurisdiction of the court shall still be determined.

(4) The court shall examine the truth of the factual allegations presented to establish jurisdiction or lack of jurisdiction only if they contradict public knowledge or the official knowledge of the court, or if they are disputed by the opponent.

Section 15 [*Designation of the court in question*]

(1) In the event of a conflict of jurisdiction or competence arising from final court decisions, and if the competent court cannot be determined or cannot act due to exclusion, the court to act must be designated within thirty days.

(2) If the competent court cannot be determined, the party may submit a request for designation to any court; otherwise, the court hearing the case shall be obliged to submit a request for designation ex officio.

(3) The court with jurisdiction and competence

a) in the event of a conflict of jurisdiction, and if the competent court cannot be determined or cannot act due to exclusion, the court of appeal,

b) in the event of a conflict of jurisdiction, the Curia appoints and instructs the procedure to be carried out.

(4) If a conflict of jurisdiction arises between the court dealing with an administrative case and another court, the Curia shall decide on the matter of the appointment in a five-member panel. The chairman and two members of the panel shall be administrative judges, and two further members shall be judges belonging to the branch concerned by the dispute. The composition of the panel and the order of substitution shall be determined annually in advance in the case allocation order.

(5) The court may decide on the matter of the appointment without hearing the parties.

Chapter IV

THE PARTIES AND THE INTERESTED PARTIES

§ 16 [*Legal capacity*]

(1) A party to a lawsuit may be anyone who may be entitled to rights and be subject to obligations under the rules of civil law or administrative law, as well as any public administrative body that has independent administrative tasks and powers.

(2) In a lawsuit related to a civil service legal relationship, the employee and employer interest representation organizations may be parties.

(3) Any person who has the capacity to act in court under the rules of the Code of Civil Procedure or who was able to act in person in the previous proceedings may act in the lawsuit in person or through his or her attorney.

(4) The rules of the Code of Civil Procedure shall apply to legal capacity, as well as to the participation of the supporter, interpreter and translator.

§ 17 [*Plaintiff*]

Authorized to initiate the lawsuit

- a) ³⁶ a person whose right or legitimate interest is directly affected by the administrative activity,
- b) ³⁷ the prosecutor's office or the body exercising legality supervision or legality control, if the deadline set in its notice has passed without result,
- c) ³⁸ the public administrative body that did not participate in the previous procedure as an authority or a specialized authority, if its competence is affected by the public administrative activity, and which is a party to the public administrative contract (contracting public administrative body),
- d) in matters specified in law or government decree, a civil society organization that has been carrying out its registered activities for at least one year in the geographical area affected by the administrative activity in order to protect a fundamental right or to enforce a public interest, if the administrative activity affects its registered activities,
- e) in cases specified by law, in the event of direct harm or endangerment of the legitimate interests of the membership or group it represents, also the interest-representation organization or public body whose registered or chartered activities are affected by the administrative activity,
- f) ³⁹ the body exercising legality supervision or legality control or the prosecutor, if it proposes the annulment of a provision of general application.
- g) ⁴⁰ Integrity Authority acting within its tasks and powers.

§ 18 [Defendant]

- (1) Unless otherwise provided by law, the lawsuit shall be initiated against the public administrative body that carried out the administrative activity that is the subject of the legal dispute. In the case of an act taken in a multi-instance administrative procedure, the person who carried out the administrative act is the public administrative body that acted in the last instance.
- (2) The status of a public administrative body as a defendant shall not be affected if its authority, on the basis of which it carried out the public administrative activity, ceases without being transferred by law to another public administrative body.
- (3) A lawsuit related to a civil service relationship shall be initiated against the employing body.

Section 19 [Litigation]

- (1) Several plaintiffs may file a lawsuit together if the subject of the legal dispute is a common right or obligation that can only be decided unanimously, or if the decision made in the lawsuit would apply to the co-litigants even without their participation in the lawsuit.
- (2) In the case of a joint action pursuant to paragraph (1), the actions of any co-litigant in the proceedings – with the exception of a settlement, recognition, waiver of rights and withdrawal of the claim – shall also affect the co-litigant who has missed a deadline, deadline or action, provided that he has not subsequently made up for his failure. If the actions or statements of the co-litigants differ from each other, the court shall assess them taking into account other details of the case.
- (3) Several plaintiffs may also file a lawsuit together if the alleged violations of rights were caused by the same administrative activity or if the disputed administrative activities – of the same nature – are based on the same legal basis and the same or similar facts.
- (4) Several defendants may be sued together if the administrative activity was carried out jointly, in particular if the administrative activity of one of them is based on the administrative activity of the other disputed in the statement of claim, or if they were carried out in the same previous procedure.
- (5) In the case of a joint legal entity pursuant to paragraphs (3) and (4), the co-litigants shall act independently, and no act or omission of any co-litigant may serve to the advantage or disadvantage of the other co-litigants.

§ 20 [Interested]

- (1) A person whose right or legitimate interest is directly affected by the disputed administrative activity or may be directly affected by the judgment to be rendered in the lawsuit may enter into the lawsuit as an interested party among others. A person who participated as a client in the previous procedure may also enter into the lawsuit as an interested party.
- (2) Unless otherwise provided in this Act, in administrative litigation or other administrative court proceedings, the interested party shall have the same procedural rights and be subject to the same obligations as the party.
- (3) Without prejudice to the parties' right of disposition, the interested party shall be entitled to take a procedural action, which shall be effective even if it is contrary to the actions of the parties. The court shall assess the influence of the contrary action on the decision of the case, taking into account other details of the case.
- (4) ⁴¹ The court shall notify the known interested party of the possibility of joining the proceedings. At the same time as the notification, the court shall notify the statement of claim and the order on the subject of immediate legal protection, if this has not been done previously. Notification of the possibility of joining the proceedings may be made ex officio or at the request of a party at any stage of the proceedings until the judgment becomes final.
- (5) If the preliminary procedure was conducted with the determination of the area of influence, the court may order that the interested parties who did not participate in the preliminary procedure shall be notified of the possibility of joining the proceedings on the website of the public administrative body, or, failing that, by publishing it in the usual manner in the locality. The court shall oblige the public administrative body to publish it. The notification of the possibility of joining the proceedings shall be deemed to have been notified on the fifteenth day following its publication by the public administrative body.
- (6) The court may, upon request or ex officio, bring a person whose rights or legitimate interests are affected by the judgment to be rendered in the lawsuit as an interested party, if the court deems his/her participation in the lawsuit necessary for the resolution

of the legal dispute.

(7) A party may request a stay of proceedings or a notification of the possibility of joining the proceedings within thirty days of the service of the defence. An appeal may be lodged against an order rejecting the request for a stay of proceedings.

Section 21 [*Interested party's intervention in the proceedings*]

(1) The intervention may be announced in writing or orally at the hearing. The interested party notified of the possibility of intervention may announce the intervention within fifteen days after the notification. Failure to meet the deadline may be justified within fifteen days after the expiry of the deadline.

(2) The right and legitimate interest underlying the intervention must be indicated at the same time as the notification of intervention, as well as the party that the intervention intends to support in the case, and the reasons for all of this.

(3) The court shall immediately notify the parties of the notification of the intervention and, if necessary, shall hear the parties before allowing the intervention.

(4) Unless otherwise provided in this Act, the interested party may only take legal action after the order allowing the intervention has become final. This provision does not prevent procedural actions related to the intervention. Legal actions taken before the intervention is allowed and judicial decisions made until then shall also be effective against the interested party, unless the court decides otherwise.

(5) If there was no reason to intervene in the proceedings or if the right or legitimate interest on which it was based has ceased to exist, the court shall exclude the interested party from the proceedings after hearing the parties and the interested party.

(6) An appeal may be lodged against an order refusing to enter a plea or excluding a person from the proceedings.

(7) In the absence of notification of the administrative act or the possibility of joining the proceedings, the interested party may also declare the joining of the proceedings in the application for judicial review, provided that he may not request a first-instance hearing in an application for joining the proceedings submitted after the first-instance judgment has been rendered. The court competent to consider the application for judicial review shall decide on the permission to join the proceedings announced in the application for judicial review.

Section 22 [*Legal succession*]

(1) If, with regard to the right, legitimate interest or obligation underlying the lawsuit, a party or interested party is replaced by a legal successor after the filing of the statement of claim, the legal successor may enter the lawsuit.

(2) The consent of the legal predecessor is required for the plaintiff and the legal successor to join the proceedings. Consent is not required if the proceedings are brought because the legal predecessor has died or has ceased to exist through legal succession, but legal succession must be presumed.

(3) The legal successor of a party may be sued by the other party. The legal successor of the plaintiff may be sued only if the legal succession occurred due to the death of the plaintiff or the termination of the legal succession. The legal successor of the interested party may be sued if the legal predecessor was sued by the court.

(4) The legal successor shall take the place of his legal predecessor who has been dismissed from the lawsuit. The legal actions taken and the judicial decisions made up to the time of the dismissal of the legal predecessor shall also be effective against the legal successor, unless the court decides otherwise.

(5) If the legal predecessor is not dismissed from the lawsuit, the legal successor shall participate in the lawsuit as a co-litigant of the legal predecessor.

Section 23 [*Procedure in the event of legal succession*]

(1) The entry into or involvement of the legal successor in the proceedings shall be announced in writing or orally at the hearing. The announcement shall be communicated to the parties. The court may hear the parties before making a decision on the entry into or involvement in the proceedings or the dismissal of the legal predecessor from the proceedings.

(2) An appeal may be lodged against an order refusing to intervene or to be involved in the proceedings.

(3) In the event of the legal successor entering into or being involved in the lawsuit – unless this occurred due to the death or termination of the legal predecessor – the court may, upon request and with the consent of the other parties, dismiss the legal predecessor from the lawsuit.

Section 24 [*Intervention in the right of co-litigants*]

A person entitled to initiate a lawsuit who has not been notified of the disputed administrative act and who has not been notified of the possibility of joining the lawsuit may also join the lawsuit as a co-plaintiff of the plaintiff until the conclusion of the hearing prior to the first-instance judgment.

§ 25 [*Initiation of the defendant's lawsuit*]

(1) If the lawsuit was not initiated against the appropriate public administrative body, the court shall bring the public administrative body carrying out the disputed activity into the lawsuit by serving the statement of claim and shall dismiss the previous defendant from the lawsuit.

(2) If the court determines that the lawsuit should have been initiated against another administrative body, it shall sue that administrative body by serving the lawsuit on it.

(3) If the defendant administrative body ceases to exist or the competence on which the disputed administrative activity is based is in the meantime transferred by law to another administrative body, the court shall, based on the information provided by the defendant or ex officio, bring the administrative body to which the competence concerned by the lawsuit is transferred by law as a

defendant in the lawsuit. The defendant shall inform the court in advance of its cessation and of the transfer of the competence concerned by the lawsuit to another administrative body, specifying this administrative body.

(4) If the administrative body that acted at the last instance in a multi-instance administrative procedure is dissolved in such a way that its competence in the case concerned also ceases, the court shall bring the body that acted at the first instance into the case as a defendant.

(5) The defendant who is brought into the lawsuit shall take the place of the previous defendant. The actions taken in the lawsuit prior to the bringing into the lawsuit and the judicial decisions made up to that point shall also be effective against the defendant who is brought into the lawsuit, unless the court decides otherwise.

(6) If the former defendant is not dismissed from the lawsuit, the defendant who is brought into the lawsuit shall participate in the lawsuit as a co-plaintiff of the former defendant.

(7) At the request of the defendant brought to trial, the hearing shall be repeated, unless he is in a management or professional management relationship with the previous defendant.

(8) The administrative body that has been sued or dismissed from the lawsuit may appeal against the order bringing the defendant to court or dismissing the lawsuit within eight days. The court may amend or revoke the order.

Chapter V

REPRESENTATION

§ 26 [Representation]

(1) The rules of the Code of Civil Procedure shall apply to representation with the exceptions set out in this chapter.
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(2) A candidate lawyer and a legal advisor registered with the bar association may act on behalf of the party required to provide legal representation only for the purpose of viewing documents, requesting copies thereof or making copies thereof.

(3) The head, official or employee of a public administrative body may also prove his/her right to represent the public administrative body in accordance with the rules determining its organization and operation by means of his/her employer's certificate.

(4) The defendant administrative body may grant the first-instance administrative body that acted in the case a power of attorney for representation in the lawsuit.

(5) The employee interest representation organization may act as an authorized representative in a lawsuit of its own member related to a civil service legal relationship.

Section 27 [Mandatory legal representation] 43

(1) Legal representation is mandatory
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- a) before the Curia,
- b) in the legal dispute specified in Section 13 (3) , and
- c) in litigation related to a public administration contract.

(2) In the event of mandatory legal representation, an official or employee of the public administrative body who holds a legal professional qualification is also entitled to proceed.

(3) In the case referred to in paragraph (2), the document certifying the passing of the legal examination, the equivalent document or a certified copy thereof shall be presented to the court upon the first appearance at the stage of the procedure in which legal representation is mandatory for the party or shall be attached to the submission. If the document certifying the passing of the legal examination, the equivalent document or a certified copy thereof has been presented to the court, it shall be sufficient to record this fact in the minutes; it shall not be attached to the documents.

(4) The rules of the Code of Civil Procedure shall otherwise apply to mandatory legal representation.

Chapter VI

OTHER GENERAL RULES

§ 28 [Submission]

(1) The submission shall be submitted electronically, by post or directly to the court. The submission deadline for a submission submitted by post is the date of posting.

(2) Unless otherwise provided in this Act, the rules for pleadings shall apply to the statement of claim, the defence, the transmission of the statement of claim and the documents of the case, and the request for judicial remedy.

(3) In other respects, the general rules of the Code of Civil Procedure shall apply to the submissions. In the event of deficiencies in the submissions, deficiencies may be corrected in accordance with the general rules of the Code of Civil Procedure, unless otherwise provided for in this Act.

Section 29 [Application of electronic technologies and devices]

(1) The rules of the Code of Civil Procedure shall apply accordingly to electronic communication.

(2) The rules of the Code of Civil Procedure shall apply to the use of electronic communications networks, with the exception that if the person being questioned via electronic communications network does not have an official identification card or a

residence document capable of proving his or her identity, the presiding judge present at the designated location of the hearing and the judge conducting the personal hearing shall record the name, place of birth, date of birth and mother's name of the person being questioned via electronic communications network provided in order to prove his or her identity at the beginning and end of the hearing. As part of the personal identification, the court shall compare the provided data with the data provided in the previous proceedings.

Section 30 [*Fine*]

(1) The amount of the fine that may be imposed in a lawsuit is up to one million forints – up to five hundred thousand forints for a natural person and up to three hundred thousand forints for a minor. The fine may be imposed repeatedly for repeated violations of the same obligation. Instead of imposing a fine on a public administrative body, the court may also impose a fine on the head of the public administrative body.

(2) When determining the amount of the fine, the gravity and consequences of the act giving rise to its imposition, as well as the number and extent of previous fines, shall be taken into account.

(3) An appeal may be lodged against an order imposing a fine. The court may amend or revoke the order.

(4) The fine imposed may not be converted into imprisonment. The collection and use of the fine shall be subject to the laws governing fines imposed by courts in criminal cases.

Section 31 [*Merger and separation*]

(1) The court may, at the request of the parties or ex officio, consolidate closely related cases pending before it or another court of equal jurisdiction for the purpose of joint adjudication. If consolidation has been ordered by more than one court, the court that previously decided on consolidation shall proceed.

(2) By sending its order on the consolidation, the court shall notify the other court, which shall, applying the rules of transfer, send the litigation documents to the court ordering the consolidation.

(3) The court may order that the claims submitted in a lawsuit or certain disputed issues that can be decided in the lawsuit be considered separately.

Section 32 [*Interruption and suspension of proceedings*]

The rules of the Code of Civil Procedure shall apply to interruption and suspension, with the exception that:

- a) in the case of legal succession of defendants based on the law, the proceedings are not interrupted,
- b) the court may also, during the period of interruption and suspension, take measures to separate the claim not affected by the interruption or suspension,
- c) the court may initiate proceedings before the Court of Justice of the European Union or the Constitutional Court during the interruption and suspension, or may initiate an investigation into the conflict of the local government decree with other legislation,
- d) the suspension order may be appealed within eight days of notification.

Section 33 [*Model case*]

(1) If at least ten proceedings are initiated before the court, the legal and factual basis of which is the same, the court may decide to adjudicate one of these proceedings in a model trial and to suspend the other proceedings until its decision terminating the proceedings is issued.

(2) The court may decide the suspended proceedings on the basis of the results of the model trial, without a hearing, if it determines that they do not differ from the model trial in terms of law or fact. The use of the evidentiary results of the model trial shall not prevent the ordering of further evidence.

(3) The court may also adjudicate the legal dispute referred to in paragraph (1) initiated after the judgment in the model case has become final and binding in accordance with the rules of this Section.

Section 34 [*Initiation of proceedings before the Court of Justice of the European Union or the Constitutional Court*]

The court may initiate proceedings ex officio or upon request, applying the rules of the Code of Civil Procedure.

- a) the preliminary ruling procedure of the Court of Justice of the European Union,
- b) the procedure of the Constitutional Court to determine whether a law, legal provision, public law regulatory instrument or legal uniformity resolution is unconstitutional, and whether it conflicts with an international treaty.

Section 35 [*Costs*]

(1) The rules of the Code of Civil Procedure shall apply to costs, with the exception that:

a) if the party supported by the interested party wins the case, the losing party shall be obliged to pay the interested party's legal costs,

b) in the event that the party supported by the interested party loses the case, the interested party shall be obliged to pay the part of the legal costs of the successful party that arose as a result of his/her participation in the case.

(2) In the application of the rules on legal costs, the rules applicable to the interested party and the litigant shall be applied accordingly.

(3) In a mock trial, the court may order that the state shall advance or bear the legal costs incurred in the course of the evidence, or a part thereof.

(4) In a lawsuit related to a public service relationship, a person employed on behalf of the state is entitled to employee cost relief in accordance with the rules of the Code of Civil Procedure.

Section 36 [*Application of other general rules of the Code of Civil Procedure*]

(1) The rules of the Code of Civil Procedure shall apply.

- a) the use of language,
- b) the court's general obligation to take action and provide information,
- c) for delivery,
- d) to the summons,
- e) the deadline,
- f) during the adjournment of the hearing,
- g) the omission and its justification,
- h) to record the material of the proceedings,
- i) to view documents, make copies and process data,
- j) to replace lost (destroyed) documents,
- k) to provide security and
- l) violation of the requirement of good faith and the obligation to tell the truth.

(2) The rules of the Code of Civil Procedure shall apply to the assessment of an objection lodged against the irregularity of the procedure or the delay in the procedure, with the exception that

- a) the objection filed against the court's failure to act shall be considered by the court,
- b) the objection filed against the failure of the court to render judgment shall be submitted to the Curia,
- c) the objection filed against the Curia's failure to act shall be heard by another chamber of the Curia designated for this purpose.

(3) If this Act allows for the preparation of a note instead of a protocol, the note shall contain the place and time of its preparation, the data necessary for the identification of the persons participating in the procedural act, the essence of their statements and the findings of fact, as well as the name and signature of the person who prepared it.

(4) Upon a request submitted before the commencement of the procedural act, the court shall – if the technical conditions are available – order the preparation of the minutes by means of a continuous recording of image and sound simultaneously, to which the rules of the Code of Civil Procedure shall otherwise apply accordingly.

PART TWO

THE FIRST INSTANCE PROCEDURE

Chapter VII

THE SEARCH

§ 37 [*The statement of claim*]

(1) The lawsuit shall be initiated by a statement of claim, which shall contain:

- a) the name of the court in question,
- b) the plaintiff's name, company registration number or other registration number, address or registered office, tax identification number and status in the lawsuit, as well as the name, address or registered office of his representative, and - if he has one - other contact details,
- c) the name, registered office and legal position of the defendant, as well as – if known – the name, address or registered office of his representative,
- d) data suitable for or necessary for identifying the disputed administrative activity and the method and time of obtaining knowledge of it,
- e) the data from which the jurisdiction and competence of the court can be established,
- f) the infringement of rights caused by administrative activity, by presenting the facts serving as its basis and the evidence thereof, and
- g) a definite request for a court decision.

(2) The document or a copy thereof shall be attached to the statement of claim:

- a) which the plaintiff refers to as evidence,
- b) which proves the right to represent in the event of proceedings with a representative, or
- c) which is necessary to prove a fact to be taken into account by the court ex officio.

(3) If the plaintiff is acting with a legal representative, the statement of claim shall contain the name and registered office of the plaintiff's legal representative, the name of the administrator in the case of a law firm, and in the case of several legal representatives, the designation of the legal representative designated to serve official documents, and their telephone and electronic contact information.

(4) A claim submitted jointly by at least five persons must contain the power of attorney of the person representing the applicants jointly.

Section 38 [*Types of claim and set of claims*]

- (1) The claim may be requested
 - a) repeal, annulment or amendment of the administrative act,
 - b) establishing the failure to take an administrative action,
 - c) prohibition of the implementation of an administrative act,
 - d) obligation to fulfill an obligation arising from an administrative legal relationship,
 - e) obligation to compensate for damage caused in connection with a public administrative contractual relationship or a public service relationship, or to pay compensation for damages,
 - f) establishing the fact of a violation of law caused by administrative activity or any other fact relevant to the administrative legal relationship.
- (2) The claim specified in paragraph (1) f) may be filed if it is necessary to protect the rights of the plaintiff against the defendant and the claim specified in paragraphs (1) a) to (e) is not possible due to the nature of the administrative activity or the legal relationship or for some other reason. The court shall examine the existence of these conditions ex officio.
- (3) Several claims may be submitted together if they arise from the same legal relationship or from a legal relationship that is connected in fact and in law.
- (4) Several claims in a contingent or alternative relationship may be brought if they arise from the same legal relationship and are brought against the same defendant or defendants.
- (5) If the court hearing the jointly filed claims does not have jurisdiction or competence over the same administrative cases, the higher-level court, or in the case of courts of the same level, the court with exclusive jurisdiction over any claim, shall act.

Section 39 [*Filing of the statement of claim*]

- (1) The statement of claim shall be submitted – unless otherwise provided by law – to the administrative body that carried out the disputed administrative act within thirty days of the notification of the disputed administrative act. If the administrative act does not have to be notified, the statement of claim shall be submitted – unless otherwise provided by law – within thirty days of the date of becoming aware of the act, but no later than one year after the act was carried out. In the case of an act brought in a multi-instance administrative procedure, the statement of claim shall be submitted to the administrative body that acted in the first instance.
- (2) A plaintiff acting without a legal representative may also submit the statement of claim on a form specified by law.
- (3) The statement of claim shall be deemed to have been filed within the time limit if the claimant acting without a legal representative has submitted it to the court or the appeal body of the administrative body (hereinafter referred to as the appeal body) in error within the time limit. In such a case, the statement of claim shall be sent without delay to the administrative body referred to in paragraph (1).
- (3a) The statement of claim shall be deemed to have been filed within the time limit if the claimant has filed it in accordance with the legal remedy clause of the administrative act or has filed it with the court taking into account that the administrative body referred to in paragraph (1) does not provide the conditions for electronic administration temporarily or permanently. The court shall send the statement of claim to the administrative body referred to in paragraph (1) without delay.
- (4) The time limit for filing a statement of claim shall not be affected by the adjournment of proceedings.
- (5) The pendency of proceedings shall commence upon the filing of the statement of claim.
- (6) Unless otherwise provided by law, the filing of a complaint does not have a suspensive effect on the entry into force of the administrative act.
- (7)

Section 40 [*Transmission of the claim*]

- (1) The statement of claim shall be forwarded to the competent and competent court within thirty days of its submission, together with the case documents. In the case of an act brought in a multi-instance administrative procedure, the administrative body acting in the first instance shall submit the statement of claim together with the case documents to the administrative body acting in the second instance within fifteen days of its submission, which shall forward them to the court within thirty days of its submission. In the case of an act brought in the proceedings of a district (capital city district) office, the district (capital city district) office shall submit the statement of claim together with the case documents to the capital and county government offices within fifteen days of its submission, which shall forward them to the court within thirty days of its submission.
- (2) If the statement of claim also contains a request for immediate legal protection, the statement of claim must be forwarded to the court, together with the case documents, within five days of its submission, in the case of actions brought in multi-instance administrative proceedings, or in the case of proceedings of the district (capital city district) office, within eight days of its submission, following submission within three days of its submission.
- (2a) Legislation may make it mandatory that the supervisory body be notified of the filing of a complaint in a particular case.
- (3) The administrative body shall make the case documents available to the court electronically instead of forwarding them, if the necessary IT conditions are available.
- (4) The administrative body shall be obliged to forward the late-filed claim to the court even if the party has not submitted a request for certification.
- (5) If the plaintiff files the claim with the court late, claiming that it was filed with the administrative body in accordance with the provisions of this Act, but the claim and the case documents have not reached the court within the time limits for transmission,

the court shall call on the administrative body to make a statement at the same time as sending the claim. In this case, the plaintiff must attach a document certifying the proper filing of the claim or a copy thereof.

(6) If the administrative body has failed to comply with its obligation to submit or forward the statement of claim or has failed to make a declaration pursuant to paragraph (5), the court shall, in addition to imposing a fine, oblige the administrative body to submit or forward the case documents.

(7) If the statement of claim or the documents contain data protected by law, this must be referred to in the defence and the documents must be forwarded accordingly.

(8) The administrative body that acted at first instance shall immediately notify the known interested party of the filing of the claim by sending it. If the preliminary procedure was conducted with the determination of the area of influence, the administrative body shall notify the interested party who did not participate in the preliminary procedure of the filing of the claim by publishing it on its website or, failing that, in the usual manner in the locality.

(9) If the administrative body modifies or withdraws the administrative act on the basis of the statement of claim within the time limit set out in paragraphs (1) or (2), the statement of claim must be forwarded to the court within the time limit set out in paragraphs (1) or (2), even if the time limit set for the plaintiff to make a statement has not expired. A statement of claim filed against the act of the administrative body to remedy the infringement or an extension pursuant to Section 83 (5) shall be heard by the council that heard the remedied administrative act, in derogation from Section 8 (3) and (4).

Section 41 [*Filing of the statement of claim with the court*]

(1) If the statement of claim is to be filed with the court pursuant to a provision of law, the court shall, after examining it, immediately communicate the statement of claim to the administrative body that acted at first instance or to the administrative body that failed to act. The case documents shall be forwarded to the court in accordance with the rules of Section 40(1).

(2) A claim shall be deemed to have been filed within the time limit if the claimant acting without a legal representative submits it to the administrative body or the legal remedy body in error within the time limit. A claim filed in error shall be sent to the court without delay.

(3) In a legal dispute related to a public administrative contract, the statement of claim shall be filed with the court.

(4) The claim shall be filed with the court if the subject of the legal dispute related to the civil service relationship is not the legality of the decision of the Civil Service Arbitration Board.

(5) The prosecutor's office or the body exercising legality supervision shall submit the statement of claim to the court.

(6) The statement of claim shall be filed with the court if, in the event of a set of claims permitted by law, it would have to be filed simultaneously with the administrative body and the court. The statement of claim shall be deemed to have been filed within the time limit if the claimant mistakenly files it with the administrative body or the legal remedy body within the time limit.

Section 42 [*Protective document*]

(1) The defence is the defendant's statement on the contents of the statement of claim, which is either aimed at rejecting the statement of claim or contains a substantive defence. The defence must set out the facts on which it is based and the evidence for them. The defendant shall state in the defence, or in the declaration, in the case of application of paragraph (3), who has been notified of the filing of the statement of claim, and shall state in the statement any data that was treated confidentially and protected in the previous proceedings.

(2) The defendant shall submit the defence at the same time as the statement of claim and the case documents are forwarded.

(3) If the statement of claim contains a request for immediate legal protection, the defendant shall, at the same time as forwarding the statement of claim and the case documents, only declare the matters contained in the request for immediate legal protection. In this case, the statement of defence shall be submitted within the time limit set out in Section 40(1).

(4) If the statement of claim does not meet the requirements set out in Section 37, or if the statement of claim is liable to be rejected, the defendant shall only address this in the defence.

Section 43 [*Change of claim*]

(1) The plaintiff may amend his claim at the latest at the first hearing. The claim may be extended to a provision of the administrative act that is not challenged in the claim and that is clearly distinguishable from other provisions of the act only within the time limit for bringing the claim.

(2) The provision in paragraph (1) does not preclude the party from raising or lowering its claim, extending it to contributions not originally claimed or to parts of the claims or contributions that have become due during the course of the proceedings, or withdrawing from one of the claims.

Section 44 [*Withdrawal of action*]

The plaintiff may withdraw his claim without the defendant's consent until the trial is closed. The withdrawal may be announced in writing before the trial or orally at the trial. If the court does not hold a trial, the withdrawal may be made until the court's judgment is rendered.

Chapter VIII

ACTIONS BASED ON THE LETTER OF APPLICATION

Section 45 [Examination of the statement of claim]

(1) The president shall examine the application immediately, but no later than eight days after its arrival at the court, in order to determine whether it is inadmissible.

- a) to fill a gap,
- b) the transmission of the claim,
- c) the rejection of the claim or
- d) a decision on a request for immediate legal protection.

(2) The court shall review an administrative activity carried out in an incorrect form in accordance with the procedural rules appropriate to its content, and shall issue an order on the matter. The order may be appealed.

Section 46 [Compensation]

(1) If the statement of claim does not comply with the formal requirements specified by law, or if it was not submitted through a legal representative in the case of mandatory legal representation, the court shall, in addition to indicating the deficiencies, call on the plaintiff to remedy them within a short deadline.

(2) In the notice, the court shall inform the plaintiff of the method of remedying the deficiency and warn him of the consequences of failure to remedy the deficiency.

(3) If the statement of claim of a plaintiff acting without a legal representative is incomplete, contradictory or needs to be supplemented or corrected for some other reason, the deficiency may only be filled if the identity of the defendant cannot be determined from the disputed administrative act or the relevant legislation.

(4) If the claim does not contain an indication of the infringement, this deficiency may be remedied within the time limit for bringing the claim.

(5) In addition to the notice to remedy the deficiencies, the court may impose a fine on the legal representative if:

- a) the claim prepared by him/her does not comply with the formal requirements specified in the law,
- b) did not attach his/her power of attorney, or
- c) the party represented by him/her has failed to fulfill the obligation to pay the procedural fee.

(6) If the plaintiff corrects the deficiencies in the statement of claim within the set deadline, the statement of claim shall be deemed to have been originally filed in its entirety.

(7) If the statement of claim submitted by a natural person acting without a legal representative does not contain the mandatory content elements or formal requirements, the court must indicate all the deficiencies in the statement of claim in the order calling for the correction of deficiencies and must provide full information regarding the correction of the deficiencies, taking into account the party's lack of legal knowledge.

(8) Instead of a summons to remedy deficiencies, the court may order a hearing of the natural person plaintiff if it considers it more expedient to remedy deficiencies in the statement of claim.

§ 47 [Transfer]

(1) If it is apparent from the statement of claim or its annexes that the case falls within the jurisdiction of another court or other authority, or that another court has jurisdiction over the case, and this court or authority can be determined from the documents, the court shall transfer the statement of claim to this court or authority. The court shall decide on the transfer within eight days of the receipt of the statement of claim at the court.

(2) The order ordering the referral shall be communicated to the parties.

(3) If a court has already established the lack of jurisdiction or competence for some reason, the court acting later may not make a decision contrary to this reason by which it denies its own jurisdiction or competence and transfers the case to the court acting earlier.

(4) The transferred claim shall be considered as if it had already been originally filed with the court to which it was transferred.

(5) Legal acts and judicial orders performed prior to the referral shall be ineffective, unless they are related to the referral or are maintained in effect by the court with jurisdiction and competence, at the request or with the consent of the parties.

(6) An appeal may be lodged against the order ordering the transfer.

Section 48 [Refusal]

(1) The court shall reject the statement of claim if:

- a) the jurisdiction of the Hungarian court over the lawsuit is excluded,
- b) the assessment of the claim falls within the competence of another court or other authority, or another court has jurisdiction over the case, but the rules of referral are not applicable due to the lack of the necessary data,
- c) the lawsuit is not initiated by a person authorized to do so by law,
- d) the plaintiff disputes the legality of an administrative activity the investigation of which is excluded by law,
- e) the plaintiff initiates the lawsuit without any party having exhausted the administrative remedies provided by law against the disputed activity, or the lawsuit must be preceded by another administrative procedure,
- f) a lawsuit is already pending between the parties to examine the legality of the same administrative action – either before the same court or a court dealing with another administrative matter,
- g) a final judgment has already been rendered on the same legal basis regarding the legality of the disputed administrative activity,

h) the party does not have legal capacity to sue, or the party's legal representative has been omitted, and this deficiency has not been remedied within the set deadline,

i) the plaintiff misses the deadline for filing the action and does not submit a request for certification, or the court rejects it,

j) the plaintiff did not submit the statement of claim within the deadline for completing the notice to remedy the deficiencies, or submitted it again incompletely, and for this reason the statement of claim cannot be adjudicated,

k) ⁶⁵ the plaintiff did not indicate the infringement caused by the administrative activity within the time limit for bringing an action,

l) ⁶⁶ the claimant or legal representative who is obliged to conduct electronic administration did not submit it electronically or electronically but not in the manner specified in the law,

m) ⁶⁶ the plaintiff, who communicated electronically, did not submit it in a manner specified in the law.

(2) ⁶⁷ The court shall take into account the provisions of paragraphs (1) a)–j) ex officio throughout the proceedings.

(3) After the order rejecting the claim has become final, the court shall inform those who were notified by the administrative body of the filing of the claim of its action. In the event of the rejection of the claim, the defendant may not charge the costs of submitting the defence.

(4) An appeal may be lodged against an order rejecting the application.

Section 49 [*Maintenance of legal effects related to the filing of a claim*]

(1) ⁶⁸ The legal effects of the filing of the statement of claim shall be preserved if the court

a) the statement of claim of the plaintiff acting without a legal representative is filed in accordance with Section 48(1)(k) , or

b) the plaintiff's statement of claim under Section 48(1)(l) or (m)

rejected on the basis of, and the plaintiff shall resubmit the statement of claim to the court within eight days of the rejection decision becoming final, in accordance with the provisions of this Act - with the exception of the annexes already properly attached.

(2) ⁶⁹ The legal effects of the filing of the statement of claim shall be preserved if the civil court rejected the plaintiff's statement of claim containing the claim falling within the jurisdiction of the court adjudicating in an administrative case because

a) it contained an impermissible set of claims, or

b) the data necessary for the transmission of the claim could not be established,

and the plaintiff shall file the claim with the court with jurisdiction and competence in accordance with the provisions of this Act within thirty days of the date on which the rejection decision becomes final.

(3) In the event of failure to comply with the deadline set out in paragraphs (1) and (2), no justification shall be required.

Chapter IX

IMMEDIATE LEGAL PROTECTION

Section 50 [*Request for immediate legal protection*]

(1) A person whose rights or legitimate interests are violated by an administrative activity or the maintenance of the situation caused by it may, at any time during the proceedings, request immediate legal protection from the court with jurisdiction and competence to hear the case in order to avert the directly threatening disadvantage, to temporarily settle the legal relationship that has become a matter of dispute, or to maintain the status quo that gave rise to the legal dispute.

(2) Immediate legal protection may be requested

a) ordering suspensive effect,

b) lifting the suspensive effect,

c) interim measure, or

d) ordering preliminary evidence.

(3) The application shall be submitted to the court if it is not submitted together with the statement of claim. The court shall notify the defendant of the submission of the application immediately, but no later than within three days.

(4) The application must specify in detail the reasons that establish the need for immediate legal protection, and the documents used to prove them must be attached. The facts that establish the application must be substantiated.

(5) The defendant shall notify the enforcement body of the submission of a request concerning the enforcement of an administrative act immediately, but no later than within three days.

(6) There is no room for immediate legal protection if the administrative act

a) ⁷⁰ serves the execution of a final court decision,

b) establishes an obligation related to the provision of civil protection services or economic and material services specified in a cardinal law, or

c) applies to the designation of operational and protective areas of structures and real estate for national defense and military purposes.

Section 51 [*Court proceedings and decisions*]

(1) The court panel shall decide on the application for immediate legal protection within fifteen days of its receipt at the court. There shall be no room for compensation.

(2) Upon the court's invitation, the parties may also respond to the application by telephone or by electronic means that are not considered written, and the court shall make a record of this. If necessary, the court may also order a hearing of the parties.

(3) Based on the principle of proportionality, the court shall consider, from the perspective of the public interest and all parties, whether the failure to provide immediate legal protection would not cause a more serious disadvantage than the provision of immediate legal protection would entail.

(4) ⁷¹The court may make the execution of the request subject to the provision of security.

(5) An appeal may be lodged against an order for immediate legal protection within eight days of its notification. An appeal against an order granting immediate legal protection shall not have suspensive effect. An appeal shall not be lodged against an order rejecting a request submitted repeatedly on the same factual and legal grounds after the rejection of the request.

(6) The court panel may amend or revoke its order on the subject of immediate legal protection – after hearing the parties, if possible – at the latest until the appeal against the order is filed.

(7) An order granting immediate legal protection shall cease to have effect upon the entry into force of the decision terminating the proceedings, unless the court panel has repealed it during the proceedings at the request of the parties or ex officio. The court may also set a different date, which may not be later than the last day of the deadline for submitting an application for judicial remedy.

⁷²(8) The request for immediate legal protection shall be considered by the court panel even if the statement of claim is rejected. If the court rejects the statement of claim submitted within the time limit, the effect of the order granting immediate legal protection shall remain in force until the order rejecting the claim becomes final or until the expiry of the time limit prescribed for maintaining the legal effects of the submission of the statement of claim.

(9) The court panel may apply several immediate legal protection measures during the proceedings. The reasoning of the order granting immediate legal protection shall refer to the connection with the previously ordered immediate legal protection measure.

Section 52 [Ordering suspensive effect]

(1) If the filing of a claim does not have a suspensive effect, the court may order its partial or full suspensive effect. In the event of a suspensive effect being ordered, the administrative act may not be executed, no rights may be exercised on the basis of it, and it may not take effect in any other way.

(2) Enforcement may not be carried out from the time the application is received by the enforcement body until its assessment, but at the latest until the expiry of the deadline for assessment, unless the administrative body has declared its act immediately enforceable. Enforcement acts carried out until the application is received shall remain in force unless the court orders otherwise.

Section 53 [Release of suspensive effect]

If the filing of the claim has a suspensive effect, the court may partially or completely lift it. If the suspensive effect is lifted, the administrative act may be executed, rights may be exercised on its basis, and it may also take effect in other ways.

Section 54 [Interim measures]

(1) If the imposition or lifting of the suspensive effect is not suitable for ensuring immediate legal protection, the court may take any measure necessary to ensure immediate legal protection, within the framework of the decision to be made in the lawsuit or the law.

(2) Evidence shall be required in relation to the interim measure if the application cannot be adjudicated without it.

(3) The deadline for compliance – unless the court provides otherwise – begins on the day following the notification of the interim measure.

Section 55 [Preliminary evidence]

(1) The court shall order preliminary evidence if it is probable that:

a) the evidence could no longer be successfully presented during the trial or at a later stage or would involve significant difficulty, or

b) the preliminary conduct of the evidence facilitates the completion of the trial within a reasonable time.

(2) The application shall specify the facts to be proven, the evidence relating to them and the circumstances on the basis of which preliminary proof is required.

(3) The rules of evidence shall be applied to preliminary evidence. The results of preliminary evidence may be used by any party or interested party in the proceedings.

(4) The rules on legal costs shall apply to the costs of preliminary evidence.

(5) There is no right of appeal against an order granting a request for preliminary evidence.

Chapter X

PREPARATION OF LITIGATION

Section 56 [The preparatory council meeting]

(1) If it is not necessary to do what is set out in Section 45(1)(a)–(c) or if the party has fulfilled its obligation to remedy the deficiencies, the president shall submit the statement of claim to a preparatory council meeting.

(2) The council meeting shall be held within fifteen days of the receipt of the statement of claim at the court. If the statement of claim becomes suitable for scheduling a hearing only by virtue of a court order, the starting date of the time limit prescribed for

holding the council meeting shall be calculated from that date.

(3) If the statement of claim must be filed with the court, the preparatory council meeting must be held within fifteen days of the receipt of the defense at the court.

(4) If the conditions specified in this Act are met, the court panel may order in an order that a trial be conducted by a member of the panel as a single judge.

(5) Minutes shall be taken of the council meeting.

Section 57 [*Measures during the preparation of the trial*]

(1) The court shall take all necessary measures to prepare the hearing and to conduct the proceedings within a reasonable time, so that the case can be tried on its merits at one hearing, if possible. Such measures may be taken before the hearing is scheduled, or, if necessary, at any time during the proceedings.

(2) Pursuant to paragraph (1), the court

a) may order evidence,

b) may obtain documents from another court or authority,

c) may order the parties to be heard,

d) may attempt to reach an agreement between the parties,

e)

(3) If the court finds that the claim or the document attached to it contains classified information, it shall ex officio contact the classifier in order to obtain a permit to inspect it.

(4) If the date of the hearing is not set at the same time as the measures set out in paragraphs (2) and (3), the court shall, when taking the measure, serve the defence on the plaintiff and the interested party.

Section 58 [*Scheduling of the trial*]

(1) The court shall take measures to set a hearing date no later than thirty days after the receipt of the statement of claim at the court.

(2) The first hearing shall be scheduled so that it can be held within sixty days of the receipt of the statement of claim by the court. If the statement of claim becomes suitable for scheduling a hearing only by order of the court, the starting date of the time limit prescribed for holding the hearing shall be calculated from that date.

(3) Unless otherwise provided by law, the hearing shall be scheduled in the official premises of the court. For important reasons, the hearing may be scheduled in another location.

(4) The first hearing shall be scheduled in such a way that the defence is communicated to the plaintiff at least fifteen days before the date of the hearing. The court may shorten the hearing period in urgent cases.

§ 59 [*Summons to trial*]

(1) The court shall summon the parties to the trial. The summons to the first trial shall be accompanied by any submissions that have not been previously served. The submission shall not be served on the person who submitted it.

(2) In the summons, the party

a) he/ she must be invited to bring with him/her to the hearing any documents in his/her possession relating to the case that have not been attached previously,

b) he must be informed that, if he does not appear in person at the hearing, he may only act through a representative specified in the Code of Civil Procedure, and

c) the person must be warned of the legal consequences of failing to appear at the hearing.

(3) A minor party who has not reached the age of fourteen shall be summoned through his legal representative, if his personal presence is required, with a request that the legal representative ensure the minor's appearance. The court shall notify the legal representative of the summons of a minor party who has reached the age of fourteen, even if the legal representative has also been summoned to the hearing.

(4) The court may also summon a party with the obligation to appear in person.

Section 60 [*Statements before the trial*]

(1) In the summons, the court shall call upon the plaintiff and the interested party to make a written statement on the contents of the defence before the hearing, and shall warn the parties that they may only make a statement orally at the hearing.

(2) The court shall set a deadline for making the statement, which shall not be shorter than fifteen days before the date of the hearing. The court may disregard a statement submitted after the deadline.

Section 61 [*Ordering evidence*]

The court may order evidence to be taken even before the first hearing and may summon a witness or expert to the first hearing.

Section 62 [*Document acquisition*]

(1) If the annexes to the statement of claim or the defence do not contain the documents without which the dispute cannot be decided, and the party is unable to obtain them, the court shall ex officio contact the issuer of the document in order to obtain the necessary documents.

(2) If the procurement of documents would reasonably be expected to take more than sixty days, the court may suspend the proceedings until the documents have been received by the court. The hearing shall be scheduled immediately after the documents

have been received.

(3) The court shall decide on the application for immediate legal protection before suspending the proceedings.

Section 63 [*Hearing outside the trial*]

(1) The court shall summon to a hearing the party whose personal hearing is required by law. The court shall notify the parties of the hearing and present the minutes of the personal hearing at the hearing.

(2) The court may order that the hearing of the party be conducted via an electronic communications network.

(3) The party may be represented at the hearing, but must make his/her statement in person.

Section 64 [*Attempt to reach an agreement*]

The court may also attempt to reach an agreement between the parties before scheduling a hearing.

Chapter XI

AGREEMENT AND MEDIATION

1. Agreement

Section 65 [*Establishment of a settlement*]

(1) If the subject matter of the dispute allows it and is not precluded by law, the court shall attempt to reach an agreement between the parties if there is a chance of doing so within a reasonable time based on the circumstances of the case.

(2) In order to reach a settlement, the court

a) inform the parties about the benefits and conditions of the settlement,

b) inform the parties about the essence of the mediation procedure, the possibility of using it and the conditions,

c) may present the settlement he/she proposes to the parties in writing during the preparation of the hearing or in the minutes of the hearing, or

d) may summon the parties to attempt a settlement.

Section 66 [*Content of the agreement*]

(1) In a settlement, the parties may agree on a method of concluding an administrative dispute or a disputed issue that is appropriate for them, provided that it does not conflict with the law. In a settlement, the parties may also agree on a method of remedying a legal infringement caused by administrative activity.

(2) In the settlement, the parties and interested parties may also undertake obligations, including civil law obligations, related to the administrative activity that is the subject of the lawsuit, which were not covered by the disputed administrative act or for which the defendant does not have jurisdiction, and they may also agree to refrain from implementing the disputed administrative act.

(3) A settlement shall not be valid in the absence of the interested party's participation in the conclusion of the settlement or approval of the text of the settlement, unless the court finds that the settlement does not affect the rights or legitimate interests of the interested party.

(4) If the settlement does not comply with the law, the court shall refuse to approve it and continue the proceedings. An appeal may be lodged against the ruling refusing to approve the settlement, which shall not have suspensive effect on the continuation of the proceedings.

Section 67 [*Order approving the settlement*]

(1) If the settlement is concluded with content in accordance with the law, the court shall approve it by including it in an order. In the order approving the settlement, the court shall annul, repeal or change the disputed administrative act in accordance with the provisions of the settlement.

(2) A settlement approved by the court has the same effect as a judgment.

(3) If the settlement does not cover the payment of legal costs, the parties shall bear their own costs. The court shall decide on the payment of the costs advanced by the state and the recorded fees, taking into account the proportions of the loss of the case as set out in the settlement.

(4) An appeal may be lodged against the order approving the settlement. The parties between whom the approved settlement was concluded may not appeal.

Section 68 [*Agreement in the case of an administrative contract*]

(1) The parties may also reach an agreement during the litigation by amending the public administration contract in order to eliminate the reason for its annulment.

(2) An appeal against an order approving an amendment shall not have a suspensive effect on the entry into force of the amendment.

(3) The court shall determine the scope of the amendment of the public administrative contract, if the parties have not provided for it in the settlement, in the order, taking into account the reasonable period of time necessary for the continuous and uninterrupted performance of the public task that is the subject of the public administrative contract or for the completion of the investment.

2. Court mediation

§ 69 [Conditions of mediation]

(1) If the parties and interested parties consent, the court shall order mediation. During mediation, the parties and interested parties shall attempt to resolve the dispute through negotiation with the assistance of the court.

(2) The court shall suspend the proceedings until the mediation is completed, but for a maximum of two months. An appeal against the suspension order may only be lodged by a person who did not consent to the mediation.

§ 70 [Rules of mediation]

(1) The provisions of the Act on Mediation Activities shall apply accordingly to the court mediator and his/her activities. The court mediator may not be a member of the panel hearing the case.

(2) At the end of the mediation, the court mediator

a) put the agreement reached in writing and send it to the trial court,

b) in the absence of a settlement or at the request of any party, notify the trial court of the ineffectiveness of the mediation.

(3) The trial court shall examine the settlement and, if it complies with the law, shall include it in an order having the force of a judgment.

(4) If the mediation ends without a settlement regarding the entire dispute, the trial court shall continue the proceedings according to the general rules.

(5) The party may not use the information obtained during mediation either in the trial or outside it.

(6) Unless otherwise provided in the agreement, the parties shall bear their own costs incurred in mediation.

*Chapter XII**THE NEGOTIATION***Section 71 [Conduct of the trial]**

(1) The hearing shall be chaired by the chairman.

(2) The President

a) ensure the dignity and order of the trial,

b) draws attention to the lack of clarity in the factual statements, their interpretation, supplementation, and resolution of contradictions,

c) ensures that the parties and interested parties submit their factual statements, statements and evidence requests in a timely manner,

d) discusses the factual and legal aspects of the dispute with the parties,

e) inform the parties of facts that are known to be public knowledge and that are within the official knowledge of the court and are relevant to the case,

f) determines the order of evidentiary acts and the hearing of the parties, and may be the first to ask questions of the witness and the expert,

g) may give the floor to the members of the panel at any time during the hearing.

(3) The rules of the Code of Civil Procedure shall apply accordingly to the publicity of the trial, the recording and the conduct of the trial.

§ 72 [Procedure of the trial]

(1) After the opening of the hearing, the president or the judge designated by him shall present the statement of claim, the defence, the statements submitted by the parties prior to the hearing, and, to the extent necessary, the case documents.

(2) After the presentation, the parties may comment on what was said, request further presentation, present their own submissions, and supplement their requests and statements.

(3) The parties may make oral statements at the hearing. The court may set a reasonable time frame for the submission of oral statements based on the circumstances of the case.

(4) If the subject matter and circumstances of the dispute allow it, the court shall, following the statements of the parties, attempt to reach a settlement between the parties, provided that all parties and interested parties are present or have given their prior consent.

(5) The hearing may be held in the absence of the duly summoned party; the failure to appear shall not affect the rendering and pronouncement of the judgment.

Section 73 [Postponement of the hearing]

(1) The hearing may only be postponed in justified cases, stating the reason. In the event of a postponement of the hearing, the court shall notify the summoned parties in advance, if possible, and shall simultaneously arrange for the setting of a new hearing date.

(2) If a party duly summoned for a personal hearing fails to appear at the hearing or only his representative is present, the hearing may be postponed for this reason only if the personal hearing is an essential prerequisite for deciding the merits of the case.

(3) If the party's representative cannot prove his/her authority to represent the party at the hearing, the court may postpone the hearing for this reason only if the case cannot be decided on the basis of the available documents. If the person appearing as a

representative does not prove his/her authority to represent the party within eight days, or the party does not authorize a new representative and does not act in person, the court shall render a judgment at the repeated hearing, if the conditions for this exist.

(4) If the trial has to be postponed due to the failure of the party duly summoned, the costs of the repeated trial shall be borne by the defaulting party, regardless of whether the case is successful or unsuccessful.

(5) Upon a reasoned joint request of the parties, the court may postpone the hearing for a maximum of sixty days on one occasion if, in its opinion, it will facilitate the settlement of the legal dispute within a reasonable time.

Section 74 [*Change in the number of judges*]

If there has been a change in the members of the panel at the continued hearing, the president shall present the applications submitted by the parties, the minutes of the previous hearings and other documents of the case. The parties may make comments on the presentation.

Section 75 [*Evidence at trial*]

(1) If the court orders the taking of evidence during the preparation of the trial, the president shall ensure that the means of evidence are available at the trial.

(2) The parties may make oral observations on the results of the evidence at the hearing. If the hearing has to be postponed due to the need for further evidence, the court may set a time limit of not less than fifteen days for the submission of a written statement.

Section 76 [*Adjournment of the hearing*]

(1) If the case is ripe for a decision, the court shall warn the parties that it will close the hearing after they have made their summary statements.

(2) The court may reopen the adjourned hearing before the decision is announced if further discussion of an issue is necessary. The hearing must be reopened and a new hearing date must be set if there has been a change in the judges between the adjournment of the hearing and the decision.

Chapter XIII

OUT-OF-HEARING TRIAL

Section 77 [*Out-of-court settlement*]

(1) If neither party has requested a hearing and the court does not consider it necessary, the court shall decide on the merits of the case without a hearing.

(2) The plaintiff may request a hearing in the statement of claim, and the defendant in the defence. A hearing may also be requested in the application to join the proceedings, or within fifteen days of joining the proceedings or the termination of the proceedings. No justification shall be required for failure to request a hearing.

(3) If the defendant acknowledges the claim to be fully well-founded before the first hearing, or the administrative act suffers from a significant formal defect that makes it non-existent, the court may adjudicate the case without a hearing.

(4) A lawsuit may not be adjudicated outside a hearing if evidence, other than documentary evidence, is required. If the need to take evidence arises during the adjudicative process outside a hearing, the court shall schedule a hearing for the adjudicative process.

(5) In the event of adjudication of the case outside a hearing, the court shall, at the same time as the notification of the defence, set a time limit for the parties to submit their submissions, which shall not be shorter than fifteen days. The court may set a time limit of not less than fifteen days for the submission of replies to these submissions and other submissions, provided that this is done as far as possible within the time limit applicable to the setting of the first hearing.

(6) Procedural acts that can be performed at the latest at the first hearing may be performed within the time limit set by the court pursuant to paragraph (5) , or, failing that, until the judgment is rendered.

(7) The court may summon the parties and the interested party to attempt a settlement.

Chapter XIV

PROOF

Section 78 [*Procedural rules of evidence*]

(1) The rules of the Code of Civil Procedure shall apply to the taking of evidence, with the exceptions set out in this chapter.

(2) The court shall evaluate the evidence individually and in its entirety, in comparison with the facts established in the previous proceedings.

(3) A motion to take evidence or the provision of evidence may be submitted at the first hearing at the latest. The court may allow a motion to take evidence or the provision of evidence thereafter, by setting a deadline of no more than fifteen days, if

- a) the plaintiff changes his claim at the first hearing,
- b) the plaintiff extends his claim to the action taken to remedy the infringement, or
- c) it became necessary due to the conduct of the financial proceedings.

(4) The plaintiff or interested party may refer to a fact or circumstance that existed at the time of the previous procedure but was not assessed in the previous procedure if, despite the reference to it by the public administrative body, it was not taken into account in the previous procedure, it was not known to it through no fault of its own, or it was not referred to through no fault of its own.

(5) The court may order the taking of evidence ex officio

a) with regard to evidence supporting facts and circumstances that it must take into account ex officio,

b) in the case of a reference to a violation of law that endangers the interests of a minor or a person entitled to disability benefits, or

c) if so provided by law.

(6) The court shall inform the parties of the ex officio order for the taking of evidence and shall invite them to submit their observations and the relevant evidence – or evidence determined by the court.

Section 79 [*Burden of proof*]

(1) If the preliminary proceedings were initiated ex officio and the party establishes that the facts established therein are unfounded, incomplete or inconsistent with the documents, the court shall oblige the administrative body to prove the truth of the facts.

(2) In a lawsuit related to a public service legal relationship, the public administrative body shall be obliged to prove:

a) the content of the general provisions and instructions necessary for the assessment of the claim and the documents generated within the scope of operation of the public administrative body necessary for the resolution of the legal dispute,

b) the correctness of the disputed calculations related to the benefit claimed, and

c) payment of benefits in the event of a wage dispute.

Section 80 [*Employment of a forensic expert assigned in the preliminary proceedings*]

(1) The expert opinion of a judicial expert appointed in the preliminary proceedings shall be deemed to be the expert opinion of a court-appointed expert. In the trial, the expert appointed in the preliminary proceedings shall primarily be used as an expert on the same subject matter.

(2) If an expert pursuant to paragraph (1) is to be employed, the court shall appoint the expert and communicate the written expert opinion produced in the preliminary proceedings to the party to whom it was not previously communicated.

(3) Following the employment of a forensic expert assigned in a previous proceeding, the employment of a private expert or an expert assigned in another proceeding in relation to the same expert matter is not permitted.

(4) The rules of the Code of Civil Procedure relating to assigned experts shall apply to the judicial expert assigned in the preliminary proceedings.

Chapter XV

TERMINATION OF THE PROCEDURE

Section 81 [*Termination*]

(1) The court shall terminate the proceedings at any stage if:

a) the claim should have been rejected based on Section 48(1)(a)–(i) ,

b) the plaintiff's legal representative was omitted, and this deficiency was not remedied within the set or extended deadline or at the latest by the closing of the hearing immediately following its expiry,

c) the plaintiff has withdrawn his claim,

d) in the event of the death or termination of the plaintiff, the court shall reject the application for intervention or inclusion in the proceedings,

e) the deceased or terminated plaintiff has no legal successor, the legal successor does not enter into litigation or is not involved in litigation,

f) the plaintiff, who is required to act with the assistance of a legal representative, fails to provide for the replacement of his/her absent or terminated legal representation within the time limit specified in the law or established by the court, despite a request,

g) the public administrative body or its legal remedy body has remedied the infringement by complying with the claim,

h) the court, at the defendant's request, ordered the foreign plaintiff to provide security to cover the costs incurred in the lawsuit, but the plaintiff failed to provide security within the set or extended deadline or at the latest by the closing of the trial immediately following its expiration.

(2) If, during the proceedings, a referral is necessary due to lack of competence or jurisdiction, the court shall terminate the proceedings and proceed by applying the rules of referral.

(3) If the court terminates the proceedings pursuant to paragraph (1) b) , the legal effects of the initiation of the proceedings shall remain in force if the plaintiff duly re-submits the statement of claim within eight days of the termination order becoming final. In the event of failure to comply with this deadline, no justification shall be required.

(4) If the proceedings should be terminated on the basis of points c) to e) or g) of paragraph (1) and the court has ordered an ex officio investigation or taking of evidence, the court may, before terminating the proceedings, call on the prosecutor's office to intervene in the proceedings by sending the statement of claim and the defence, and at the same time inform it of the circumstances of ordering the ex officio investigation. If the prosecutor's office does not intervene in the proceedings within the time limit

specified in the call, the court shall terminate the proceedings. No justification shall be required for failure to comply with the time limit set for intervention.

(5) An appeal may be lodged against the order terminating the proceedings, except as provided for in paragraph (2) .

Section 82 [*Termination due to default of the plaintiff*]

The court may terminate the proceedings if the plaintiff fails to appear at the hearing scheduled at his/her request, or if the plaintiff cannot be contacted at the contact details provided, and the defendant does not request the continuation of the proceedings.

Section 83 [*Remedy of infringement of rights in administrative proceedings*]

(1) If, on the basis of the statement of claim, the administrative body withdraws the action and continues its proceedings, modifies the action, or initiates proceedings in order to remedy the alleged infringement, the authorized administrative body shall notify the court thereof at the same time as the statement of claim is forwarded or immediately during the proceedings. The court shall suspend its proceedings until the completion of the administrative proceedings.

(2) The fact of the initiation of administrative proceedings pursuant to paragraph (1) may be reported at the latest at the first hearing, or in the case of an ex officio investigation or evidence order, within fifteen days of the notification of the order.

(3) The administrative body shall immediately notify the court of the action taken to remedy the infringement. The notification shall be accompanied by a copy of the decision or a document otherwise supporting the action.

(4) If the administrative body fails to complete the procedure initiated to remedy the infringement within thirty days, it shall inform the court thereof and of the procedural acts taken. The court may continue the procedure based on the content of the information or in the absence thereof. If the administrative body fails to provide information within thirty days of the notification of the suspension order, the court shall continue the procedure. No justification shall be given for the failure to provide information.

(5) The court shall invite the plaintiff to make a statement with regard to the action taken by the public administrative body to remedy the infringement. If, according to the plaintiff's statement, the action does not satisfy the claim, the plaintiff may extend his claim to the action taken in order to remedy the infringement.

(6) If the plaintiff fails to make a statement within the time limit set by the court and the action taken to remedy the infringement has satisfied the claim, the court shall terminate the proceedings and order the defendant to pay the legal costs of the plaintiff and the interested party supporting the plaintiff. The court shall decide on the payment of the costs incurred by the public administrative body as a result of the partial termination of the proceedings in its decision terminating the proceedings.

(7) If the administrative body remedies the infringement within the time limit for filing the claim, it shall invite the plaintiff to make a statement as to whether it accepts the remedy of the infringement. If the plaintiff does not declare within the time limit that it does not accept the remedy of the infringement, the claim shall not be forwarded to the court but shall be deemed to be ineffective.

(8) If the plaintiff does not agree with the remedy of the infringement, the defence must refer to the remedy of the infringement, the interim challenge by the plaintiff or another party to the action taken to remedy the infringement, and the measures related to this statement of claim, and the plaintiff's statement and a copy of the decision taken to remedy the infringement, or a document otherwise supporting the action, must be attached to the defence.

PART THREE

DECISIONS

Chapter XVI

COURT DECISIONS

Section 84 [*Types of resolutions*]

(1) The court shall decide on the merits of the case by judgment and on all other issues arising during the case by order.

(2) The rules of the Code of Civil Procedure shall apply to decisions, subject to the exceptions set out in this Part.

(3) The court shall oblige the body within which the administrative body carrying out the administrative activity operates to pay the amount determined in its decision.

Section 85 [*Limits of the court's decision-making power*]

(1) The court shall examine the legality of administrative activity within the limits of the claim.

(2) The court shall examine the legality of an administrative activity – unless otherwise provided by law – on the basis of the facts existing at the time of its implementation.

(3) The court shall take into account ex officio:

- a) the ground for nullity or other invalidity of the disputed administrative act as defined by law, or the essential formal defect due to which the administrative act must be considered non-existent,
- b) basing the administrative act on a legal provision that is not applicable in the case,
- c) any other fact or circumstance specified in the law.

(4) The court shall inform the parties of the order of the ex officio investigation and shall at the same time call on the parties to submit their observations and the relevant evidence – or evidence determined by the court.

(5) In the context of the legality of an administrative act carried out within the scope of discretionary powers, the court shall also examine whether the administrative body exercised its powers within the framework of its authority to exercise discretion, and whether the considerations of the discretion and their reasonableness can be established from the document containing the administrative act.

(6) In making its decision, the court shall not be bound by the decision of another authority or the disciplinary decision, or the facts established therein, with the exception of paragraph (7) .

(7) If the consequences of a criminal offence that has been finally adjudicated must be decided in an administrative proceeding, the court may not establish that the convicted person did not commit the criminal offence charged against him.

Section 86 [Judgment]

(1) The judgment shall decide on all claims asserted in the lawsuit.

(2) The court may decide on individual claims or on individual parts of the claim that can be judged independently by a partial judgment, if no further hearing is necessary in this regard.

(3) The court may decide in advance on the legality of the administrative activity by means of an interim judgment or may establish in advance the existence of the right asserted in the lawsuit, if the dispute can be separated with regard to the legality of the administrative activity or the existence of the right asserted in the lawsuit and the amount of the claim or payment obligation owed to the party on this basis.

(4) The court shall give the administrative body specific guidelines covering all essential points of remedying the established violation of law regarding the conduct of the new procedure (hereinafter referred to as: repeated procedure) or the implementation of an act ordered in the judgment.

(5) The court shall make the operative part of the announced judgment available to the parties at the court's administrative office from the working day following its announcement.

Section 87 [Simplified judgment]

(1) If the facts established in the administrative act were not disputed in the lawsuit, and the court did not order an ex officio investigation or evidence, the description of the facts may be omitted from the reasoning of the judgment.

(2) The summary judgment shall expressly refer to the circumstances that allow the omission of the elements of the reasoning and to the legal basis for issuing the summary judgment. The administrative act, the facts of which the court accepted as the basis for its judgment, shall be treated together with the summary judgment among the documents.

Section 88 [Rejection of the claim]

(1) The court shall dismiss the action if:

- a) the claim is unfounded,
- b) no direct infringement of the plaintiff's right or legitimate interest can be established,
- c) a procedural violation occurred that had no significant impact on the merits of the case.

(2) If the court has dismissed the action on the basis of point c) of paragraph (1) , it shall decide on the payment of costs taking this into account.

Section 89 [Judgment upholding the claim]

(1) If the court establishes the infringement – based on the claim or ex officio –

- a) changes, annuls, repeals the administrative act or excludes the application of the general provision in the case,
- b) if necessary, in addition to annulling or repealing the administrative act or excluding the application of the general provision in the case, it obliges the administrative body to conduct a new procedure,
- c) condemns the public administrative body.

(2) The court may apply the individual legal consequences set out in paragraph (1) together. The law may also prescribe the application of other legal consequences.

(3) If a violation of law is established, the court shall ex officio oblige the administrative body to eliminate the illegal consequences of the activity.

(4) A provision of general application may only be annulled or repealed if it has been proposed by the body exercising legality supervision or legality control, or, in the absence thereof, by the prosecutor.

Section 90 [Amendment]

(1) The court may change the unlawful administrative act if the nature of the case permits it, the facts have been adequately clarified, the legal dispute can be finally decided based on the available data, and

- a) the administrative act was carried out in a multi-instance administrative procedure, or
- b) in the case of an administrative act carried out in a single-instance administrative procedure, the change is permitted by law – with the exception specified in points a)–c) of paragraph (3) .

(2) The court shall – with the exception specified in paragraph (3) – change the administrative act even if:

- a) the nature of the case permits it and

b) in the repeated procedure, the administrative body – based on the same legal or factual situation – committed an act contrary to the final judgment of the court.

(3) There is no room for change

a) in the case of an administrative act specified in Section 4(3)(c) ,

b) in the case of an administrative act taken under equitable powers,

c) in the case of an administrative act based on the exercise of discretionary powers and concerning a payment affecting the budget, or

d) if prohibited by law.

Section 91 [*Change in the amount of payment obligation*]

(1) A change may also be made if the court, without determining the changed amount of the payment obligation, provides precise guidelines for its calculation in the judgment.

(2) The administrative body shall calculate the exact amount of the payment obligation immediately after the court's judgment is announced, but no later than within fifteen days, and shall inform the court, the plaintiff and the interested party thereof. The plaintiff and the interested party may dispute the correctness of the calculation within eight days; if it is well-founded, the court may order a recalculation of the obligation.

(3) The amount of the payment obligation shall become part of the judgment upon approval by the court. The deadline for submitting a request for judicial review shall begin on the day following the notification of the approval order. Otherwise, there shall be no legal remedy against the calculation of the administrative body.

Section 92 [*Annulment or repeal*]

(1) The court shall annul the administrative act – with retroactive effect from the date of its notification – if

a) the administrative act is null and void or invalid for a reason specified in law, or suffers from a material formal defect due to which it must be considered non-existent,

b) the infringement of rights caused by the violation of the essential rules of the preliminary procedure cannot be remedied in the lawsuit,

c) the administrative body based its action solely on a legal provision that is not applicable to the case, or

d) there is no room for changing the administrative act.

(2) If justified by the protection of the public interest, legal certainty or the particularly important interests of the persons affected by the judgment, the court shall repeal the administrative act by specifying the exact date of its lapse. Where this Act refers to annulment, it shall also be understood as repeal.

Section 93 [*Determination*]

The court shall establish the fact of the infringement in its judgment if alteration, annulment or condemnation is not possible and the plaintiff or interested party has an important interest in the determination, or the infringement can be averted in this way.

Section 94 [*Judgment in a lawsuit related to a public administrative contract*]

(1) If the legislation on public administrative contracts does not establish a legal consequence, the court, in the event of a finding of a violation, shall, taking into account the legitimate interests of the parties concerned and the public interest in the security and continuity of the performance of the public task,

a) repeals or changes the unlawful administrative contract or any of its provisions,

b) annul the public administrative contract due to the existence of a ground for nullity, if the contracting public administrative body did not have the authority to conclude the public administrative contract or the public administrative contract was signed by a person without the right of representation,

c) obliges to restore the legality of the public administrative contract and to perform the public administrative contract, or

d) obliges to compensate for damage caused in connection with the administrative contractual relationship.

(2) The court may also annul a contractual provision that is closely related to the one being annulled.

(3) The court shall determine the scope of the change of the public administrative contract or any of its provisions by taking into account the reasonable period of time necessary for the continuous and uninterrupted performance of the public task that is the subject of the public administrative contract or for the completion of the investment.

(4) The court's judgment shall apply to the parallel contract-making procedures conducted by the contracting public administrative body for the conclusion of a public administrative contract with the same subject matter as the contested contract. The contract clause declared illegal in the court's judgment shall not be applicable, and the parties shall be obliged to amend the concluded public administrative contract in accordance with the court's judgment. Failing this, any party or interested party may bring a lawsuit before the court within thirty days of becoming aware of the omission, but no later than six months from the date on which the court's judgment becomes final.

(5) If the court establishes the illegality of a concluded public administrative contract, but the performance of the public administrative contract is of paramount public interest, it may declare the public administrative contract lawful with retroactive effect to the date of its conclusion. In the event of a ground for nullity, the public administrative contract may not be declared lawful.

(6) An economic interest directly related to a public administrative contract, in particular the cost resulting from late performance, the conduct of a new contract award procedure, a possible change of the contracting party or the payment obligation resulting from illegality, shall not be considered to be of overriding public interest. Additional economic interests related to the

legality of the contract may be considered to be of overriding public interest if the finding of the illegality of the public administrative contract would have seriously disproportionate consequences.

(7) There is no right to annulment if the body competent to conclude the public administrative contract or the person with the right of representation subsequently approves the public administrative contract with identical content.

⁸⁷
95. §₈₈ [*Judgment in the lawsuit against the decision of the Civil Service Arbitration Board*]

(1) The court shall decide the dispute on its merits with its judgment and may not oblige the Civil Service Arbitration Board to conduct a new procedure, with the exception specified in paragraph (2) .

⁸⁹
(2) The court shall review the decision of the Civil Service Arbitration Board.

a) annuls and obliges the Civil Service Arbitration Board to conduct a new procedure if the proceeding panel was not properly formed or a disqualified person participated in making the decision,

⁹¹
b) annuls the part affected by the violation and, if necessary, obliges the Civil Service Arbitration Board to conduct a new procedure if it exceeded its competence or unlawfully established its lack of competence.

⁹²
(3) The court shall send the final judgment to the Civil Service Arbitration Board.

Chapter XVII

LEGAL EFFECTS AND IMPLEMENTATION OF DECISIONS

Section 96 [*Substantive legal effect*]

The finality of a judgment on the examination of the legality of an administrative action precludes the parties or interested parties from initiating a new action to examine the legality of the same administrative action or otherwise making it a dispute.

Section 97 [*Compliance with decisions*]

(1) In the absence of a deadline for compliance, the court's decision shall be complied with on the day following its entry into force and may be enforced from the date of entry into force.

(2) The court may set a deadline for compliance in its decision, in which case the decision may be enforced from the expiry of the deadline for compliance. The deadline for compliance with the provisions of the decision shall begin on the day following the date on which the decision becomes final.

(3) The administrative body must conduct the repeated procedure or implement the administrative act within the time limit established in the final decision or, failing that, within the time limit specified in the law.

(4) The operative part and the reasoning of the court's decision shall be binding on the administrative bodies acting in the repeated proceedings and during the implementation of the act ordered by the court's decision.

Section 98 [*Preliminary enforceability*]

(1) A decision declared provisionally enforceable may be enforced before it becomes final.

(2) The court shall declare the decision provisionally enforceable ex officio if so ordered by law. Upon request, the court shall declare its decision provisionally enforceable by applying the rules of immediate legal protection in accordance with the provisions of the present Code.

(3) Provisions on the order of preliminary enforcement of the judgment shall be made in the judgment.

(4) The order for preliminary enforcement may be subject to the provision of security. The security must be returned when the decision becomes final or when preliminary enforcement is terminated.

(5) An appeal may be filed against a decision ordering preliminary enforcement within eight days.

(6) No preliminary enforcement may be ordered of a decision that has not already been repealed or changed by a court with jurisdiction.

(7) If the court of second instance annuls or changes the decision whose preliminary enforcement has been ordered, it shall also decide on the settlement of the situation created by the preliminary enforcement.

PART FOUR

LEGAL APPEALS AND PROCEDURE TO BE FOLLOWED IN THE CASE OF A CONSTITUTIONAL COMPLAINT

Chapter XVIII

APPEAL

3. Appeal against judgment

Section 99⁹³ [*Grounds for appeal and rules of procedure*]

(1) If permitted by law, the party, the interested party, and the person to whom the judgment contains a provision may appeal against the first-instance judgment on the grounds of violation of the law or deviation from the decision of the Curia published in

the Collection of Court Decisions (hereinafter: the published decision of the Curia) on a point of law.

(2) Appeal is possible

- a) if the administrative act was carried out without prior procedure,
- b) in a legal dispute defined by law.

(3) The rules applicable to the second-instance procedure, the first-instance procedure and the decisions shall apply accordingly, with the exceptions set out in this chapter.

Section 100 [*Contents of the appeal*]

(1) The appeal shall be filed with the court of first instance within fifteen days of the notification of the judgment, unless otherwise provided by law.

(2) The appeal shall contain, in addition to the general rules governing submissions:

- a) the number of the judgment appealed against,
- b) the violation of the law that forms the basis of the appeal, with the precise indication of the legal text, as well as the published court decision and the part thereof from which the judgment deviates in a matter of law, and
- c) a final request for the decision of the court of second instance.

(3) It is possible to present new facts or evidence in an appeal if they came to the attention of the appellant after the first-instance judgment was rendered and, if considered, would have resulted in a decision more favorable to the appellant.

(4) In the appeal, new facts or evidence may be presented, or evidence disregarded by the court of first instance may be proposed, even if it is aimed at supporting the illegality of the first instance judgment.

(5) The appeal may not be changed after the appeal deadline has expired. The appeal may be withdrawn until the court of second instance has rendered its decision or, if a hearing is held, has withdrawn for the purpose of rendering a decision. The court of second instance shall decide on the bearing of the costs incurred in this connection.

(6) Unless otherwise provided by law, an appeal shall have a suspensive effect on the entry into force of the judgment. A request for immediate legal protection may also be submitted simultaneously with the appeal.

101. §

102. § [*Measures of the court of first instance on appeal*]

(1) The court of first instance shall reject the appeal if:

- a) it was not submitted by the person entitled to it,
- b) it is directed against a decision against which appeal is excluded by law,
- c) the appeal was late and the person entitled to it did not submit a request for certification,
- d) the person entitled to appeal or the legal representative who is obliged to maintain electronic communication submitted it not electronically or electronically but not in the manner specified in the law,
- e) the person entitled to appeal, who communicates electronically, did not submit it in a manner specified in law.

(2) An appeal may be lodged against an order rejecting an appeal. After the appeal has been rejected, no further appeal may be lodged against an order rejecting an appeal filed by repeatedly implementing points d) and e) of paragraph (1) .

Section 103 [*Filing of an appeal*]

(1) If the deadline for filing an appeal has expired or the appeal has been filed by all those entitled to do so, the court of first instance shall submit it, together with the case documents, to the court of second instance within eight days.

(2) If a request for immediate legal protection has been submitted, the appeal must be submitted within three days of its receipt.

(3) If, in addition to the appeal, the party or interested party also uses justification for the failure to hold a hearing or meet a deadline prior to the decision, the appeal shall only be submitted to the court of second instance if the request for justification is rejected.

Section 104 [*Measures of the second instance court based on the appeal*]

(1) When examining an appeal, the court of second instance shall proceed in accordance with the rules for examining a statement of claim. If the appeal does not comply with the provisions of Section 100(2) or requires additions or corrections for other reasons, the president shall take measures to remedy the deficiencies. There shall be no remedy for deficiencies in terms of Section 100(2) (b) .

(2) If the appeal refers to the fact of the violation of the law in a substantively correct manner, but the indication of the violated legal provision is incorrect, the appeal may not be rejected for this reason.

Section 105 [*Counter-appeal and cross-appeal*]

(1) The opponent of the party filing the appeal and the interested party may file a counter-appeal or a cross-appeal within eight days of the notification of the appeal.

(2) If the appeal is rejected or withdrawn, the counter-appeal or supplementary appeal filed against the appeal shall become ineffective, except for supplementary appeals filed within the time limit for filing the appeal.

(3) The rules governing appeals shall apply accordingly to the supplementary appeal.

Section 106 [*Suspension of proceedings*]

If proceedings are pending before the court of first instance due to a request for correction or supplementation of the judgment or a request for verification, the court of second instance may suspend its proceedings until the decision on the subject of correction, supplementation or verification becomes final.

Section 107 [*Hearing*]

(1) A party may request a hearing in the appeal and in the counter-appeal. No justification shall be given for failure to meet the deadline.

(2) Unless the circumstances of the case preclude this, the hearing shall be scheduled in such a way that the hearing can be held within three months of the filing of the appeal.

(3) The summons shall warn the summoned parties that their absence shall not prevent the handling of the appeal. There shall be no justification for failure to be duly summoned to the appeal hearing. If the court deems it necessary to hear any of the persons who have not appeared, it may postpone the hearing once, setting a new hearing date.

(4) After the opening of the appeal hearing, the president or the judge designated by him shall present the contents of the judgment of the court of first instance, and then the appeal, the counter-appeal and the accompanying appeal. The member of the court and the party may request further presentation of the documents.

(5) In the second instance proceedings, any order against which an appeal would be possible under the rules of the first instance proceedings, as well as any order rejecting the appeal, shall be issued by the Curia in a chamber, with reasons.

(6) If a fine should be imposed in the second instance proceedings due to a violation of the requirement of good faith, the second instance court may disregard the act violating the requirement of good faith instead of imposing a fine.

(7)⁹⁸

(8)⁹⁹

Section 108 [*Limits of the second-instance examination*]

(1) The court of second instance may review the judgment – outside the scope of the ex officio ordering of evidence and investigation – only within the framework of the appeal, the joint appeal and the counter-appeal.

(2) The court of second instance shall overrule the judgment of the court of first instance and other decisions made in the case, except for those against which a separate appeal may be lodged.

Section 109 [*Decision on the merits of the case*]

(1) If the judgment challenged by appeal complies with the law or there was a procedural violation that did not affect the substantive assessment^a of the case, the court of second instance shall uphold the appealed judgment.

(2) In the event of^a violation of the law or a deviation from the published decision of the Curia on a point of law, the court of second instance shall change the judgment of the court of first instance in whole or in part, while upholding or repealing certain provisions of the judgment.

Section 110 [*Repeal*]

(1) The court of second instance shall annul the first instance judgment by order – regardless of the limitations of the appeal, the joint appeal or the counter-appeal – and shall order the court of first instance to conduct new proceedings and issue a new decision, if:

- a) the court of first instance was not properly constituted,
- b) a judge who was disqualified participated in the decision-making process, or
- c) the judgment suffers from an irremediable formal defect that makes it incapable of substantive review.

(2) The court of second instance shall annul the first instance judgment by order and shall order the court of first instance to conduct new proceedings and issue a new decision if the violation of the essential rules of the first instance proceedings had an impact on the merits of the case in a manner that cannot be remedied in the second instance proceedings.

(3) If the court of second instance orders the court of first instance to conduct new proceedings and issue a new decision, the annulling order shall provide guidelines for the conduct of the new proceedings, which shall be binding on the court of first instance. In such a case, it shall only determine the amount of the costs incurred in the second instance proceedings, and the court issuing the new decision shall decide on their bearing.

(4) If the court of second instance terminates the proceedings, it shall annul the judgment of the court of first instance in whole or in the part for which the reason for termination exists.

(5) In its order approving the settlement, the court of second instance shall repeal the part of the contested judgment to which the settlement applies.

Section 111 [*Other provisions concerning the decisions of the court of second instance*]

(1) The decision concluding the second-instance proceedings shall also indicate the court of first instance and the case number of the decision contested by the appeal.

(2) If the first-instance judgment complies with the law, the court shall issue a simplified judgment, the justification of which shall refer only to this circumstance, in addition to indicating the law applied.

(3) After the completion of the second-instance proceedings, the court shall send the documents to the court of first instance within thirty days, which shall notify the parties of the decision concluding the second-instance proceedings within eight days of the receipt of the documents.

(4) In the event of an order for a new trial, if the court holds a hearing, the court shall announce the decision of the second instance court after the opening of the hearing.

4. Appeal against an order

Section 112 [*Appeal against the court order*]

(1) In the cases specified in this Act, the party, the interested party, and the person to whom the order contains a provision may appeal against the part of the provision that applies to them.

(2) There is no appeal against the ruling of the Curia.

(3) The rules for appeals against judgments shall apply to appeals against orders, with the exceptions set out in this sub-title.

Section 113 [*Measures of the court of first instance*]

(1) If the court of first instance is not bound by the order appealed against, it may itself grant the appeal. In such a case, an appeal need not be filed.

(2) If the appeal does not comply with the provisions of this Act or needs to be supplemented or corrected for other reasons, the court of first instance shall take measures to remedy the deficiencies. The court of first instance shall reject the appeal if the party has not remedied the deficiencies in the appeal within the time limit available for complying with the notice to remedy the deficiencies, and it cannot be adjudicated for this reason.

(3) The court of first instance shall notify the opponent and the interested party of the appeal by sending it, with the warning that they may submit observations to the court of first instance within eight days of the notification of the appeal. The deadline may be shortened in justified cases.

(4) There is no room for a cross-appeal.

(5) The court of first instance shall submit the documents, together with the submitted comments, to the court of second instance no later than after the expiry of the deadline for comments.

Section 114 [*Adjudication of the appeal*]

(1) The appeal shall be decided by the court of second instance without a hearing, and may, if necessary, hear the parties. Unless otherwise provided for in this Act, the court of second instance shall decide within thirty days of the submission.

(2) The court of second instance shall annul the unlawful order.

a) changes it, or

b) repeals it if the procedural act included in the order must be omitted.

(3) If the data necessary for the change are not available, the court of second instance shall annul the order and order the court of first instance to issue a new order.

(4) If the second instance court finds that the first instance court's order rejecting or terminating the proceedings is unlawful, it shall repeal it and order the first instance court to conduct the proceedings and issue a new decision.

(5) If the court of second instance upholds the first instance order based on its reasons, its reasoning shall refer exclusively to this circumstance.

Chapter XIX

EXTRAORDINARY REMEDIES

5. Review

Section 115 [*Basis and procedural rules of review*]

(1) A party, an interested party, and the person to whom the decision contains a provision may submit a request for review against a final judgment or a final order rejecting the statement of claim and terminating the proceedings, citing a violation of the law or a deviation from the published decision of the Curia on a point of law.

(2) The rules on appeal shall apply to the review, with the exceptions set out in this Chapter.

(3) In connection with a deviation from a published decision of the Curia on a point of law, a complaint for legal uniformity may be filed in accordance with the provisions of the Act on the Organization and Administration of Courts.

Section 116 [*Decisions excluded from review*]

There is no room for revision.

a) against a decision that has become final at first instance, unless the appeal is not permitted or excluded by law,

b) if the party did not exercise its right to appeal and the second instance court upheld the first instance decision based on the other party's appeal,

c) against the provisions of the final decision relating only to the payment of interest, legal costs, the deadline for performance or payment in installments,

d) against the decision of the Curia,

e) if it is excluded by law in particularly justified cases.

Section 117 [*Request for review*]

(1) The application for review shall be submitted to the court that issued the first-instance decision through a legal representative within thirty days of the notification of the final decision. Failure to meet the deadline shall be subject to justification within fifteen days of the expiry of the deadline.

(2) The Curia¹⁰⁹ shall decide on the rejection of the request for review in a reasoned order, in council.

(3) In the request for review, no new legal grounds or new facts or circumstances may be referred to that were not the subject of the first-instance proceedings.

(4) The request for review shall state the reason for the admissibility of the request, but its existence shall not be proven and it shall not be justified – with the exception of the reason referred to in Section 118 (1) a) sub-point ad) . In the case of the reason referred to in Section 118 (1) b) the published decision of the Curia and the part thereof from which the decision requested to be reviewed deviates in a matter of law shall be specified. The court shall not be bound by the reason for admissibility indicated by the party.

¹¹¹ There is no room for any omissions with regard to the provisions of

(5) paragraph (4) .

Section 118 [*Decision on the admissibility of the review application*]

(1) The Curia shall accept the request for review if:

a) investigation of a violation of the law affecting the merits of the case

aa) ensuring the unity or further development of legal practice,

ab) the special weight or social significance of the legal issue raised,

ac) the need for a preliminary ruling procedure by the Court of Justice of the European Union,

ad) probable violation of the applicant's fundamental procedural rights or other procedural violations affecting the merits of the case, or

b) deviation from the published decision of the Curia on a point of law justified because.

(2) The Curia shall decide on the acceptance or refusal of the review application in a chamber, without a hearing, within thirty days of its submission. The order refusing to accept the review application shall be justified.

(3) The Curia shall communicate the ruling on admissibility to the party submitting the request for review.

(4) The order on the acceptance of the review application shall be communicated – simultaneously with the submission of the review application – to the opposing party submitting the application and to the interested party, who may submit a counter-application for review or a supplementary application for review within eight days of its communication, in the scope for which the application was accepted.

Section 119 [*Scope of the request for review*]

(1) The submission of a request for review shall not have a suspensive effect on the entry into force of the court decision sought to be reviewed and the administrative act serving as its basis.

(2) A request for immediate legal protection may be submitted simultaneously with the request for review. If the request for review contains a request for immediate legal protection, the court of first instance shall immediately arrange for the submission of the documents to the Curia. The Curia shall decide on the request for immediate legal protection at the latest simultaneously with the order on admission.

Section 120 [*Procedural acts*]

(1) If a constitutional complaint has been filed against a final judgment or the legislation forming the basis of the final judgment, the Curia shall notify the Constitutional Court of the review procedure.

(2) The Curia shall communicate the professional opinion of the Prosecutor General sent pursuant to the law to the parties and interested parties, who may submit comments within the set deadline.

(3)

(4) If a request for review against an interim judgment is accepted, the Curia may suspend the continuation of the litigation ex officio. The Curia may amend the order issued on the subject of the suspension.

(5) There is no need to take evidence in the review procedure; the Curia shall decide on the review application based on the documents and evidence available at the time of the final decision.

Section 121 [*Review decision*]

(1) If the decision requested for review violates the law in a way that affects the merits of the case or deviates from the published decision of the Curia in a matter of law, the court shall declare the final decision

a) repeal it in whole or in part and, if necessary, order the court that heard the case to conduct new proceedings and issue a new decision,

b) changes it by annulling the contested administrative act and obliging the administrative body to conduct a new procedure.

(2) If the decision requested for review complies with the law, or if a procedural violation has occurred that did not affect the substantive assessment of the case, or if it does not deviate from the decision published by the Curia in terms of law, the Curia

shall maintain the contested decision in force.

(3) If the Prosecutor General has expressed his professional opinion in the case, the Curia shall send the review decision to the Prosecutor General.

(4) No summary judgment may be rendered in a review proceeding.

6. Rejection

Section 122 [Rules of the retrial procedure]

(1) A retrial may be initiated against a final judgment and a decision on the merits concluding the proceedings in accordance with the rules of the Code of Civil Procedure.

(2) The court shall reject the request for a retrial if a retrial is precluded by law.

(3) In a request for review of a decision relating to a civil service legal relationship submitted more than six months after the decision becomes final, the restoration of the legal relationship and continued employment in the original job or workplace may not be claimed. No claim for wages may be made for the period exceeding six months prior to the submission of the request for review.

(4) If a party has filed a request for retrial against a final court judgment ordering the administrative body to conduct a new procedure, the court of first instance shall notify the administrative body obliged to conduct the new procedure of the initiation of the retrial procedure, which shall suspend the repeated procedure if the court so requests, or may otherwise suspend it.

Chapter XX

PROCEDURE TO BE FOLLOWED IN THE CASE OF A CONSTITUTIONAL COMPLAINT

Section 123 [Rules of procedure to be followed in the event of a constitutional complaint]

(1) The rules of the Code of Civil Procedure shall apply to the procedure to be followed in the event of a constitutional complaint, with the exceptions set out in this chapter.

(2) If the Constitutional Court has annulled the court's decision, the Curia – with the exception of paragraph (3) – shall order the court of first or second instance to conduct new proceedings or to issue a new decision on the subject of the review application. The Curia shall refrain from ordering new proceedings if there is no possibility of subsequent remedying the infringement.

(3) If the Constitutional Court annuls the administrative act assessed by the court decision together with the court decision, the Curia shall, in addition to simultaneously sending the decision of the Constitutional Court, notify the administrative body that made the annulled decision in order to take the necessary measures, and shall also inform the person submitting the complaint thereof.

PART FIVE

SPECIAL ADMINISTRATIVE LITIGATIONS AND OTHER ADMINISTRATIVE COURT PROCEEDINGS

Chapter XXI

SIMPLIFIED TRIAL

Section 124 [Basis and procedural rules of simplified proceedings]

(1) In simplified proceedings, the provisions of this Act shall apply with the exceptions set out in this Chapter.

(2) Unless otherwise provided by law, the court shall proceed in a simplified procedure.

a) in litigation related to the official ID card, the official certificate, and – with the exception of the public body or other organizational register and the real estate register necessary for the exercise of the activity – the maintenance of official registers,

b) in a lawsuit initiated solely on the basis of a claim by another participant in the administrative procedure,

c) in a lawsuit related to an additional administrative act, as well as to a decision of the administrative body to refuse or terminate the procedure,

d) in litigation related to the right of assembly, except for dissolution,

e) in a lawsuit related to a visa for an intended stay of not more than ninety days applied for by third-country nationals or their family members,

f) in the lawsuit regarding the application for military service without weapons for conscription.

(3) The court may adjudicate the case in a simplified procedure if the plaintiff requests this in the statement of claim and the defendant does not object in the defence. In such a case, the court shall issue an order to adjudicate the case in a simplified procedure.

(4) The court may at any time during the proceedings order the continuation of the trial according to the general rules if this is necessary to ensure the requirements of a fair trial or if the simplified trial was held due to the incorrect classification of the administrative activity.

(5)¹²⁴₁₂₅ The court shall adjudicate the simplified lawsuit without a hearing.

(6) If, in the case of a set of claims permitted by law, part of the claims should be adjudicated in accordance with the simplified procedure and the other part according to the general rules, the court shall proceed in accordance with the general rules.

Section 125 [Measures in simplified proceedings]

If this facilitates the concentrated completion of the proceedings and cost savings, the court

- a) omits to hold the preparatory council meeting,
- b) prepares a record of the proceedings instead of a protocol, and may omit the call for a statement in connection with a request to supplement the protocol or record,
- c) may set deadlines for procedural acts – with the exception of appeals – that differ from those set out in law,
- d) may accept a declaration made electronically via voice communication instead of an oral declaration.

Section 126 [Decisions]

(1) In a simplified trial, the court may also render a simplified judgment if the disputed administrative act or the first-instance administrative act fully and clearly contains the facts.

(2) Orders made in a simplified trial may be appealed within eight days of notification.

(3) There is no right of appeal against a judgment rendered in a summary trial.

Chapter XXII

DEFAULT LAWSUIT

Section 127 [Basis and procedural rules of the default action]

In a lawsuit due to the failure of a public administrative body to fulfill its statutory obligation to perform an administrative act (hereinafter referred to as: failure), the rules of this Act relating to simplified litigation shall be applied with the exceptions set out in this chapter.

Section 128 [Initiation of proceedings]

(1) The person entitled to initiate a default action is:

- a) the client or the person whose rights are directly affected by the default,¹²⁶
- b) the prosecutor's office acting outside its jurisdiction of legality control over a public body, as well as the body exercising legality control over a local or minority self-government, if the deadline set in its notice has passed without result.¹²⁷
- c) is the Integrity Authority acting within its tasks and powers.

(2) The statement of claim must be filed with the court within ninety days of becoming aware of the ineffectiveness of the administrative procedure aimed at remedying the omission or, in the event of the failure of the legal remedy body, within the expiry of the time limit for its action, but no later than one year after the expiry of the time limit for the implementation of the administrative act. In the absence of a legal remedy body, the statement of claim must be filed with the court within one year after the expiry of the time limit for the implementation of the administrative act.

(3) The statement of claim shall, in addition to the general requirements, contain:

- a) an indication of when and in what case the plaintiff contacted the administrative body,
- b) an indication of the procedural acts of the defaulting administrative body that were carried out to the knowledge of the plaintiff,
- c) the indication of the legal provisions and circumstances that establish the procedural, decision-making or task-performance obligation of the public administrative body,
- d) the reasons for the ascertainability of the omission, and
- e) a reference to the initiation of a procedure to remedy the omission and an indication of the procedural act of the procedure to remedy the omission that has come to the applicant's attention.

(4) The claim shall not be rejected if the legal remedy body has not fulfilled its procedural obligation to remedy the omission as specified in the law.

Section 129 [Default judgment]

(1) The court shall establish a failure to act if the administrative body has failed to comply with its statutory obligation to carry out an administrative act within the applicable deadline.

(2) The court shall also establish the omission if the action of the administrative body is necessitated by a compelling reason based on public interest or if the lawsuit was initiated by the legality supervision body.

(3) If the court establishes the omission, the defaulting body is obliged to perform the omitted act within the applicable statutory deadline, or in the absence thereof, within thirty days.

(4) An appeal may be lodged against a judgment rendered in a default action.

Chapter XXIII

IMPEACHMENT TRIAL

7. Common rules for sentencing trials

Section 130 [Basis of the impeachment trial]

(1) If the statement of claim contains a claim specified in Section 38(1)(d)–(e) (hereinafter collectively referred to as: a claim for injunction), the provisions of this Act shall apply with the exceptions set out in this Chapter. The statement of claim shall also indicate the value of the subject matter of the lawsuit.

(2) In proceedings initiated on the basis of a claim challenging a decision of the Civil Service Arbitration Board, the rules of this Act relating to first-instance proceedings shall apply with the exceptions set out in the Act and in this Chapter. The lawsuit shall be initiated against the opposing party.

(3) The statement of claim referred to in paragraph (2) shall be submitted to the Civil Service Arbitration Board. The Arbitration Board shall forward the statement of claim together with the case documents to the court within fifteen days. The court shall communicate the statement of claim to the defendant immediately after examining it.

Section 131 [Procedural rules of the conviction trial]

(1) The defence must be submitted – with the exception specified in Section 40 (2) – within thirty days of the filing of the statement of claim or its communication to the defendant.

(2) According to the rules of the Code of Civil Procedure, the proceedings are suspended if

- a) the parties notify their agreement to this effect, from the date of receipt of the notification by the court,
- b) all parties fail to attend the hearing, or none of the parties present at the hearing wishes the case to be heard, and in neither case has the defaulting party requested that the hearing be held in absentia, from the date of the hearing.

(3) The rules of the Code of Civil Procedure shall be applied to determine the value of the subject matter of the lawsuit. In a lawsuit related to a public service legal relationship, the rules of the Code of Civil Procedure relating to labor lawsuits shall also be applied to determine the value of the subject matter of the lawsuit.

(4) The plaintiff may amend his claim until the conclusion of the trial, provided that the claim asserted by the amended claim arises from the same legal relationship.

(5) The motion for evidence related to the application for a writ of certiorari may be submitted or evidence provided within the time limit set by the court, or, failing that, until the adjournment of the hearing.

(6) In a lawsuit initiated on the basis of a claim challenging a decision of the Civil Service Arbitration Board, the party may not refer to a fact, circumstance or evidence that was not the subject of the proceedings of the Civil Service Arbitration Board, except if it did not take it into account despite the reference by the Civil Service Arbitration Board, was not aware of it through no fault of its own, or did not refer to it through no fault of its own.

(7) In a condemnation lawsuit initiated by means of a payment order procedure, the court shall proceed in accordance with the rules of the Code of Civil Procedure applicable to lawsuits related to payment order procedures.

(8) The first hearing shall be scheduled so that it can be held no later than sixty days after the receipt of the defence at the court.

Section 132 [Counterclaim and set-off]

(1) The defendant may file a counterclaim at the first hearing at the latest if the right sought to be enforced thus arises from a legal relationship identical to or related to the plaintiff's claim, or if the claim that is the subject of the counterclaim is capable of being set off against the plaintiff's claim. The rules of the statement of claim shall apply accordingly to the counterclaim.

(2) The plaintiff may request the rejection of the counterclaim in a counterclaim or may present a substantive defense. The court may set a time limit of at least fifteen days for the submission of the counterclaim.

(3) The court may dismiss the counterclaim by order if it is obvious that the defendant has brought it in violation of the requirement of good faith.

(4) A request for set-off may only be submitted after the first hearing if:

- a) the claim requested to be set off is acknowledged by the opposing party,
- b) the existence of the claim to be set off can be proven by a public document or a private document with full probative force,
- c) the claim sought to be set off expired after this date, or
- d) the party proves that he/she became aware of the existence or expiry of the claim after this date.

(5) In the second instance proceedings, a request for set-off may only be submitted if the opposing party acknowledges it or if the claim requested to be set-off expired after the conclusion of the first instance hearing.

(6) Due to an amendment to the claim, the defendant is entitled to file a counterclaim no later than fifteen days after the notification of the amended claim. In exceptional and justified cases, the court may set a maximum deadline of thirty days for the written submission of the counterclaim.

(7) If the defendant has filed a counterclaim, the plaintiff may withdraw his claim with the defendant's consent.

133. § [Conviction]

(1) If the court grants the application for a condemnation action, it shall condemn the public administrative body in its judgment within the framework of the law.

(2) The rules of the Code of Civil Procedure shall apply accordingly to the substantive legal force of the conviction and the subsequent proceedings.

(3) An appeal may be lodged against a conviction.

(4) To be implemented in advance

a) a judgment in favour of the defendant in the claim acknowledged,

b) a judgment containing a monetary penalty based on an obligation undertaken in a public document or a private document with full probative force, if all the circumstances underlying it have been proven by such a document.

8. Additional special rules for lawsuits filed against non-public administrative bodies

Section 134 [*Initiation of proceedings*]

(1) The public administrative body may enforce its claim related to a public administrative contract or public service legal relationship in the lawsuit regulated in this chapter.

(2) The lawsuit shall be initiated against the natural person or legal person not qualifying as a public administrative body against whom the public administrative body asserts a claim.

(3) Unless otherwise provided by law, the statement of claim must be filed with the court within ninety days from the date of becoming aware of the fact or circumstance that substantiates the claim asserted in the lawsuit.

(4) If a law requires the conduct of a preliminary procedure in connection with the enforcement of a claim, the statement of claim must be filed with the court within thirty days of the notification to the plaintiff of the decision terminating the procedure.

(5) The lawsuit may be joined to a lawsuit pending between the same parties under the general rules if their subject matter is related.

(6) The court shall communicate the statement of claim to the defendant, simultaneously warning him of the consequences of submitting a written counterclaim or failing to attend the hearing, and informing him of the possibility of recognizing the claim and its consequences.

Section 135 [*Counterclaim*]

(1) The defendant may file a written counterclaim within thirty days of the service of the statement of claim, which shall contain a formal defense or a substantive defense seeking to admit the claim or terminate the proceedings. The counterclaim shall set out the facts on which it is based and the evidence thereof.

(2) Upon a justified request of the defendant, received by the court before the expiry of the deadline, the court may extend the deadline for submitting a written counterclaim by a maximum of fifteen days.

(3) The defendant may request a hearing in the counterclaim. No justification shall be required for failure to request a hearing.

Chapter XXIV

PUBLIC ORGANIZATION SUPERVISORY LAWSUIT

Section 136 [*Basis and procedural rules of public body supervision lawsuit*]

(1) The rules of this Act relating to simplified proceedings shall apply, with the exceptions set out in this chapter, to a lawsuit initiated by a public administrative body exercising legality supervision over a public body or a prosecutor's office exercising legality control (hereinafter collectively referred to as: the body exercising legality supervision over a public body) following an unsuccessful legality appeal.

(2) The statement of claim must be filed with the court within thirty days of the unsuccessful expiry of the deadline specified in the notice.

Section 137 [*Judgment*]

(1) If the court establishes the infringement alleged in the action, in addition to the legal consequences applicable under this Act

a) in order to restore the legality of the operation, it may order the convening of a public body authorized to remedy the violation,

b) the activities of the public body or official in violation of the law may be suspended until legality is restored, or

c) may appoint a supervisory commissioner to ensure and monitor the legality of the operation of the public body.

(2) The court may apply the legal consequences specified in paragraph (1) of this Act in combination with the general or default provisions of this Act.

(3) The court may also apply the legal consequences referred to in paragraph (1) if the body exercising legal supervision over a public body submits a request to this effect as an interested party in a lawsuit initiated by another person.

Section 138 [*Appointment of a supervisory commissioner*]

(1) The body exercising legal supervision over a public body may make a proposal for the person of the supervisory commissioner in the statement of claim. This proposal shall not be binding on the court.

(2) A person who is not allowed to hold office in a public body, or a person who is directly managed by the defendant public body, may not be appointed as a supervisory commissioner. The law may establish further grounds for conflict of interest.

(3) The supervisory commissioner may not be instructed during or in connection with the activities performed within the scope of this authority, and no adverse legal consequences of public bodies may be applied to him for these activities.

(4) The court shall set a deadline for the restoration of legality, determine the duties of the supervisory commissioner, and, if necessary, appoint a new supervisory commissioner, with or without the dismissal of the supervisory commissioner.¹⁴⁵

(5) The supervisory commissioner shall inform the court and the body exercising legality supervision over the public body about its activities and their results. The compensation of the supervisory commissioner's expenses shall be determined by the court and borne by the supervised public body.

Chapter XXV

PROCEDURES FOR THE EXAMINATION OF THE CONFLICT OF THE MUNICIPAL REGULATION WITH OTHER LEGISLATION AND FOR THE FAILURE OF THE LOCAL GOVERNMENT TO FULFILL ITS LEGISLATIVE OBLIGATION

9. Common rules

¹⁴⁶

139. § *[Application of general rules]*

The provisions of this Act shall be applied in proceedings aimed at examining the conflict of a local government decree with other legislation, at determining the failure of a local government to fulfil its statutory legislative obligation, and at determining the failure of a normative resolution of the local government's representative body or the obligation to adopt it, with the exceptions set out in this chapter, taking into account the specific features of normative control.

Section 140 *[Motion]*

(1) The procedure regulated in this Chapter shall be initiated by a motion, to which the rules of the statement of claim shall apply. A claim under the general rules may not be connected with the motion.

(2) The motion shall be submitted to the Curia.

Section 141 *[Procedure of the Curia]*

(1) The Commissioner for Fundamental Rights may also act in person.

(2) The Curia shall consider the motion outside a hearing; in justified cases, it may decide to consider the motion at a hearing.

(3) The Curia shall decide within ninety days of receipt of the motion. In justified cases, the Curia may extend this deadline once, for a maximum of thirty days, unless it has ordered a temporary ban on use.

(4) In the proceedings regulated in this Chapter, the parties shall be entitled to full legal aid and shall bear their own costs.

Section 142 *[Decision and publication]*

(1) The Curia shall decide on the merits of the motion by means of a resolution and on all other issues arising during the proceedings by means of an order. The provisions relating to judgments shall apply accordingly to the resolution.

(2) If the local government decree cannot be found to conflict with other legislation or the local government's failure to fulfil its statutory legislative obligation, the Curia shall reject the motion.

(3) The Curia shall order, by setting a deadline, that the resolution be published in the same manner as the promulgation of the local government decree.

(4) The Curia shall ensure that its decision is published on its website.

10. Procedure for examining the conflict of a local government decree with other legislation

Section 143 *[Motion]*

(1) A procedure to examine the conflict of a local government decree with other legislation may be initiated by a body authorized by law.

(2) The motion to examine the conflict of a local government decree with other legislation shall include:

- a) the local government decree to be examined by the Curia,
- b) the indication of the provision of the local government decree found to be unlawful,
- c) the indication of the legal provision that the local government decree violates, and
- d) the reason why the petitioner considers the given provision to be unlawful.

(3) The Curia may also examine the conflict of a provision of the local government decree that is closely related to the disputed provision with other legislation.

Section 144 *[Judge's motion]*

If the court has to apply a provision of a local government decree in the proceedings pending before it that it perceives to conflict with another law, it shall, in addition to suspending the court proceedings, initiate proceedings at the Curia to examine the conflict of the local government decree with another law. There is no right of appeal against the order suspending the court proceedings.

Section 145 *[Temporary prohibition of use]*

(1) The Curia may, upon request or ex officio, order a temporary ban on the application of a local government decree, by duly applying the rules on immediate legal protection.

(2) The order ordering the temporary prohibition of the application of a local government decree or its provisions shall be published in accordance with the rules governing the publication of local government decrees and in the official gazette. The Curia shall take immediate action to publish the order.

(3) The local government decree or its provision affected by the temporary prohibition of application shall not be applicable until the day following the publication of the final decision.

(4) If the Curia has ordered a temporary ban on employment, it shall act out of turn.

Section 146 [*Decision in case of conflict between a local government decree and other legislation*]

(1) If the Curia determines that the local government decree or any of its provisions conflicts with other legislation,

a) annuls the local government decree or its provision,

b) establishes that a local government decree or provision repealed after the initiation of the procedure conflicts with another law or

c) states that the local government decree or provision thereof that has been promulgated but has not yet entered into force shall not enter into force.

¹⁴⁷ (2) The Curia shall order the publication of its decision pursuant to paragraph (1) in the official gazette.

(3) The annulled local government decree or provision thereof shall cease to have effect on the day following the publication of the court's decision in the official gazette and shall not be applicable from that day, and the local government decree or provision thereof that has been promulgated but has not entered into force shall not enter into force.

(4) The court may determine the date of expiry of the local government decree or its provision in a manner different from that provided for in paragraph (3) if this is justified by legal certainty or the protection of the fundamental rights of legal entities subject to the scope of the local government decree.

(5) The decision of the Curia is binding on everyone.

Section 147 [*General prohibition of use*]

(1) If the annulment of a local government decree or provision or the determination of its conflict with another law was made on the basis of a judicial motion, the annulled local government decree or provision shall not be applicable in an individual case pending before the court, as well as in all individual cases pending before a court at the time of the annulment.

(2) The Curia shall order the general prohibition of application to be waived if it is justified by the protection of the public interest, legal certainty or the fundamental rights of legal entities subject to the scope of the regulation.

11. Proceedings for failure of local government to fulfill its legislative obligation

Section 148 [*Motion*]

(1) Proceedings for failure of a local government to comply with its statutory legislative obligation may be initiated by the legality supervision body.

(2) A court motion to establish failure to comply with a legislative obligation shall include:

a) the indication of the legal provision on the basis of which the local government has a legislative obligation,

b) the reason why the petitioner believes that the failure to comply with the legislative obligation can be established,

c) a local government decree related to the failure to comply with a legislative obligation and necessary for the assessment of the failure.

Section 149 [*Decision in case of failure to comply with legislative obligation*]

(1) If the Curia establishes that the local government has failed to comply with its legislative obligation based on the law, it shall order in its resolution, setting a deadline, that the local government comply with its legislative obligation.

(2) The decision of the Curia is binding on the legality supervision body and the local government.

Section 150 [*Authorization to issue a local government decree or normative resolution*]

(1) If the Curia – based on a motion submitted by the legality supervision body after the unsuccessful expiry of the deadline set for the fulfillment of the legislative obligation – establishes that the local government has not fulfilled its legislative obligation, it shall authorize the head of the legality supervision body to draft the local government decree or normative resolution on behalf of the local government.

(2) The Curia shall order the publication of the authorizing resolution in the official gazette. After publication, the local government may not remedy the failure to comply with the legislative obligation.

(3) The decision of the Curia is binding on the legality supervision body and the local government.

¹⁴⁸

Chapter XXVI

ADMINISTRATIVE NON-LITIGATIONAL PROCEDURES

Section 151 [*Common rules for non-contentious administrative procedures*]

(1) In administrative non-contentious proceedings, the rules of this Act relating to simplified proceedings shall be applied – with the exceptions set out in this Section and in the Act – in accordance with the specific features of the non-contentious proceedings.

(2) The procedure shall be initiated upon application, to which the rules applicable to the statement of claim shall apply. An action under the general rules may not be connected with the application.

(3) Unless otherwise provided by law, only documentary evidence shall be used in the proceedings.

(4) The court shall decide on the application in an order having the force of a judgment, to which the rules applicable to judgments shall apply. There is no right of appeal against the order.

12. Procedure for enforcing the execution of the decision

Section 152 [*Request for enforcement of performance*]

(1) The plaintiff or the interested party may, within ninety days of the expiry of the deadline for performance, file a request with the court that issued the first-instance decision to enforce performance if the public administrative body has not complied with the order resulting from the final court decision within the deadline for performance.

a) to conduct a new procedure or

b) to implement an administrative act that has been omitted

its relevant obligation.

(2) Based on the request, the court shall, within fifteen days, set a deadline and call on the administrative body to fulfill its obligation or to provide an explanation for the failure to fulfill it, while simultaneously sending the documents supporting the explanation.

(3) If the administrative body complies with the notice, the court shall terminate the proceedings and order the administrative body to reimburse the applicant's costs.

(4) The rules of this chapter shall apply even if the enforcement of an obligation contained in a final court decision is not subject to the scope of the Act on Judicial Enforcement.

Section 153 [*Performance fine and measures*]

(1) If the administrative body fails to provide an explanation for the failure to comply or if the explanation is not well-founded, the court shall impose a performance penalty on the administrative body, in addition to ordering it to reimburse the applicant's costs. The application of a performance penalty shall not be justified if, after the administrative body has fully carried out the procedural acts prescribed by the court, it reaches a legal assessment different from that of the court, and if, as a result of these, it does not adopt the legal position expressed in the final and binding decision to conduct new proceedings, or does not apply the legal consequence specified therein.

(2) The amount of the performance penalty may be set between one hundred thousand and ten million forints, depending on the circumstances of the case and the gravity of the breach of obligation. The performance penalty may be imposed repeatedly if performance is not achieved within a reasonable time.

(3) The court may impose a fine on the head of the public administrative body, in addition to or instead of imposing a repeated performance fine, in an amount appropriate to the circumstances of the case and the gravity of the breach of obligation.

(4) An appeal may be filed within eight days against the order imposing a performance penalty, and the court shall decide on it within fifteen days.

(5) The rules for fines shall otherwise apply to the performance penalty.

(6) In addition to imposing a performance penalty, the court shall issue an order

a) appoints another body with the same competence as the administrative body to conduct the procedure, and at the same time obliges the administrative body to bear the costs of the procedure,

b) authorizes the legality supervision body of the public administrative body to comply with the decision and at the same time obliges the public administrative body to bear the costs of compliance, or

c) in the absence of applicability of the legal consequence set out in points *a)* and *b)*, if the nature of the case and the available data allow it, it may issue an interim measure which shall be effective until compliance.

(7) If the body designated pursuant to paragraph (6) a) fails to comply with its procedural obligation, enforcement of compliance may be requested in accordance with the rules of this sub-title.

13. Other special administrative non-litigation procedures

Section 153/A [*Prior authorization of a procedural act*]

(1) The court shall adjudicate on a request submitted by a public administrative body for the implementation of a procedural act subject to prior judicial authorization pursuant to the provisions of law within seventy-two hours of its receipt.

(2) The application must contain the purpose and location of the procedural act, the facts supporting its justification, and a definition of the evidence giving rise to the procedural act.

(3) The court shall authorize the requested procedural act if the public administrative body demonstrates that no other procedural act would lead to a result, and in the case of a request for an on-site search, it can be reasonably assumed that evidence related to the violation that is the subject of the investigation can be found at the location specified in the motion, and it can be assumed that it would not be voluntarily made available or would be rendered unusable. The court may authorize the requested procedural act in part.

(4) There is no right of appeal against the court's order.

Section 153/B [*Procedure for the classification of a document prepared for the purpose of defense*]

(1) The court shall decide on the classification of a document prepared for the purpose of defense upon the request of the administrative body by hearing the person concerned. The administrative body shall attach the document to its request.

(2) If the separation of the document is not possible without prejudice to the evidentiary value, the court shall determine in its ruling which document or part of the document shall be considered a document prepared for the purpose of the defence. If the court determines that the document or part of the document does not qualify as a document prepared for the purpose of the defence, it shall be released to the applicant. In the event of a contrary decision, the court shall release the document or part of the document to the person concerned.

Chapter XXVII

PROCEDURE FOR THE APPOINTMENT OF THE ADMINISTRATIVE BODY

Section 154 [*Rules of the appointment procedure*]

(1) The court may be requested to designate the body with competence and jurisdiction if several administrative bodies have established their competence or lack thereof for the same administrative act, and due to the latter, the administrative procedure cannot be initiated or is not in progress.

(2) The application for designation may be submitted to the court by the public administrative body involved in the dispute over competence or by the person in relation to whose rights or legitimate interests the dispute over competence has arisen.

(3) The court shall decide on the matter of the appointment by means of an order within thirty days of the submission of the application, in a panel consisting of three professional judges.

(4) There is no right to appeal against the order terminating the appointment procedure.

(5) The rules of simplified proceedings shall otherwise apply to the appointment procedure.

PART SIX

FINAL PROVISIONS

Section 155 [*Empowering provision*]

The Minister responsible for Justice is authorised to issue a decree laying down the rules on the form for submitting a claim.

149

Section 156 [*Entry into force*]

This law will enter into force on January 1, 2018.

150

157. § [*Transitional provisions*]

(1) This Act shall apply to proceedings initiated on the basis of a statement of claim filed on or after 1 January 2018.

(2) [Section 99 \(2\) of this Act, as amended by Act CXXXVII of 2019](#) on the amendment of certain acts in connection with the establishment of single-instance district administrative procedures, shall apply to judgments rendered on or after 1 April 2020.

(3) In administrative matters, an appeal filed on or after 1 April 2020 against a decision taken by the administrative and labour court shall be adjudicated by the Curia.

(4) [Sections 99 \(1\) , 100 \(2\) b \) , 109 \(2\) , 115 \(1\) and \(3\) , 117 \(4\) and \(5\) , 118 \(1\) and 121 \(1\) and \(2\) of this Act , as amended by Act CXXXVII of 2019](#) on the amendment of certain acts in connection with the establishment of single-instance district administrative procedures , shall apply in appeal and review proceedings initiated against decisions taken on or after 1 July 2020.

(5) In administrative proceedings, no hearing date may be set for a date after 15 March 2020 – in view of the transfer of cases – at the transferring court. The final decisions made in administrative proceedings must be recorded in writing by 31 March 2020, and arrangements must be made for their publication.

(6) The judges of the administrative and labor courts, as well as the members of the administrative and labor board of the Metropolitan Court and the Curia, shall submit the documents of the cases not yet decided to the president of the court or the Curia by 15 March 2020.

(7) Cases pending at first instance on 31 March 2020, as well as cases concluded at first instance in which further measures within the competence of the court of first instance must be taken,

a) the president of the court of the competent court or the Curia,

b) the President of the Curia shall notify the competent court or the Curia as a court of first instance.

(8) Cases pending in the procedure to be followed in the event of a legal remedy or a constitutional complaint on 31 March 2020, as well as those cases concluded in the procedure to be followed in the event of a legal remedy or a constitutional complaint in which further measures within the competence of the court must be taken, with the exception specified in paragraph (9) ,

a) the president of the court of competent court or the Curia

b) the President of the Curia shall notify the competent court
sends it.
158

(9) Cases pending on appeal shall not be referred pursuant to paragraph (8) ; they shall be heard by a court with jurisdiction and competence under the rules in force prior to 1 April 2020.
159

(10) Administrative cases concluded in accordance with paragraph (7) and in accordance with paragraph (8) shall be forwarded without delay, but no later than 1 May 2020. In the event of a measure requiring a judicial decision arising thereafter, paragraphs (7) and (8) shall be applied accordingly. The rules on referral shall not apply when forwarding cases in accordance with paragraphs (7) and (8) .
160

(11) Subject to the principle of the right to a legal judge, the judge who commenced the consideration of the case before 1 April 2020 shall act in the case referred to in paragraphs (7) and (8) , provided that he or she has been assigned to the competent, competent court.
161

(12) In administrative lawsuits initiated after March 20, 2020, for the resolution of which the law establishes a deadline of eight days or less, the procedural deadline is extended by the duration of the sending, but not more than eight days.
162

(13) Where legislation
a) orders the application of [Chapter XX of Act III of 1952 on](#) the Code of Civil Procedure or its rules relating to administrative proceedings, that Code of Administrative Procedure,
b) allows for judicial review, administrative litigation,
c) refers to an administrative and labor court as a court hearing administrative cases, that court as a court hearing administrative cases
must be understood.
163 The provisions of this Act, as amended

(14) [by Act CXXXIV of 2021](#) on the amendment of certain criminal and related acts, shall apply to proceedings initiated on the basis of an appeal or a request for review, or a request for the designation of the administrative body to be heard, submitted on or after 1 March 2022, as well as to a motion for disqualification, a request for the designation of the court to be heard, and to an objection filed against the irregularity of the proceedings or the delay in the proceedings.

§ 158 [Short description]

The abbreviation of this Act as used in other legislation is: Act.

Section 159 [Provision referring to European Union requirements]

This law

1. [Council Directive 92/13/EEC](#) of 25 February 1992 on the coordination of laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors,

2. [Directive 97/55/EC of the European Parliament and of the Council](#) of 6 October 1997 amending [Council Directive 84/450/EEC](#) concerning misleading advertising as regards its extension to comparative advertising,

3. Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending [Council Directive 76/207/EEC](#) on the implementation of the principle of equal treatment for men and women as regards employment, vocational training and promotion, and [working conditions](#),

4. [Council Directive 2003/8/EC](#) of 27 January 2003 establishing common minimum rules on legal aid in cross-border cases, in order to facilitate access to justice in such cases,

5. Directive 2003 /4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing [Directive 90/313/EEC](#),

6. [Directive 2005/29/EC](#) of the European Parliament and of the [Council of 11 May 2005](#) concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450 /EEC, [Directives 97/7 / EC](#) , [98/27 /EC](#) and 2002/65/EC of the European Parliament and of the [Council and Regulation 2006 /2004/EC of the European Parliament and of the Council](#),

7. [Council Directive 2005/85/EC](#) of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status ,

8. [Directive 2011/61/EU](#) of the European Parliament and of the Council of 8 June 2011 on alternative investment fund managers and amending Directives [2003/41/EC](#) and 2009/65/EC and [Regulations 1060/2009/EC](#) and [1095/2010/EU](#),

9. [Directive 2013/32/EU of the European Parliament and of the Council of](#) 26 June 2013 on common procedures for granting and withdrawing international protection,

10. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources

serves to comply with.

The law was adopted by the National Assembly on its session of February 21, 2017. Promulgation date: March 1, 2017.

Paragraph (4) of Section 3 shall not enter into force pursuant to [Section 141 of Act CXXX of 2017](#).

Paragraph (1) of Section 4 is the text amended by [Section 238, Point 1, of Act CXXVII of 2019](#).

Paragraph (2) of Section 4 is the text established by [Paragraph \(1\) of Section 202 of Act CXXVII of 2019](#).

Section 4(3)(b) was repealed by [Section 239\(a\) of Act CXXVII of 2019](#).

Paragraph (5) of Section 4 is the text established by [Paragraph \(2\) of Section 202 of Act CXXVII of 2019](#).

Section 4(7)(1)(e) is the text amended by [Section 140\(1\) of Act CXXX of 2017](#).

Section 4(7)(2) is the text amended by [Section 526\(a\) of Act L. 2017](#).

Section 4(7)(3) is the text amended by [Section 140\(2\) of Act CXXX of 2017](#).

Paragraph (8) of Section 4 was repealed by [Section 239, point b\) of Act CXXVII of 2019](#).

Paragraph (4) of Section 5 was inserted by [Section 203 of Act CXXVII of 2019](#).

Paragraph (5) of Section 5 was inserted by [Section 203 of Act CXXVII of 2019](#).

Section 7 is the text established by [Section 204 of Act CXXVII of 2019](#).

Paragraph (2) of Section 7 is the text established by [Section 153 of Act CXXXIV of 2021](#).

Paragraph (3) of Section 8 is the text established by [Paragraph \(1\) of Section 205 of Act CXXVII of 2019](#).

Paragraph (5) of Section 8 is the text established by [Section 154 of Act CXXXIV of 2021](#).

Paragraph (6) of Section 8 was inserted by [Paragraph \(3\) of Section 525 of Act L. of 2017](#), the text of which is the text established by [Section 154 of Act CXXXIV of 2021](#).

A 10. § (1) bekezdés a) pontja a [2017: CXXX. törvény 140. § 3. pontja](#) szerint módosított szöveg.

A 10. § (1) bekezdés c) pontja a [2017: CLXXIX. törvény 26. § \(2\) bekezdése](#) szerint módosított szöveg.

A 10. § (3) bekezdés nyitó szövegrésze a [2019: CXXVII. törvény 238. § 2. pontja](#) szerint módosított szöveg.

A 10. § (4) bekezdése a [2021: CXXXIV. törvény 155. §-ával](#) megállapított szöveg.

A 10. § (5) bekezdése a [2017: CXXX. törvény 138. § \(1\) bekezdésével](#) megállapított szöveg.

A 11. § (4) bekezdése a [2017: CXXX. törvény 140. § 4. pontja](#) szerint módosított szöveg.

A 12. § a [2019: CXXVII. törvény 206. §-ával](#) megállapított szöveg.

A 12. § (1) bekezdése a [2021: CXXXIV. törvény 164. § a\) pontja](#) szerint módosított szöveg.

A 12. § (2) bekezdése a [2021: CXXXIV. törvény 156. §-ával](#) megállapított szöveg.

A 12. § (3) bekezdését a [2021: CXXXIV. törvény 156. §-a](#) iktatta be.

A 13. § a [2019: CXXVII. törvény 206. §-ával](#) megállapított szöveg.

A 13. § (1) bekezdés c) pontja a [2022: XXII. törvény 207. § 1. pontja](#) szerint módosított szöveg.

A 13. § (2) bekezdése a [2022: XXII. törvény 207. § 2. pontja](#) szerint módosított szöveg.

A 13. § (3a) bekezdését a [2021: CXXXIV. törvény 157. §-a](#) iktatta be.

A 13. § (8) bekezdése a [2021: CXXII. törvény 111. §-ával](#) megállapított szöveg.

A 14. § (2) bekezdése a [2021: LI. törvény 72. § a\) pontja](#), a [2021: CXXXIV. törvény 164. § b\) pontja](#) szerint módosított szöveg.

A 15. § (2) bekezdése a [2019: CXXVII. törvény 207. §-ával](#) megállapított szöveg.

A 15. § (3) bekezdése a [2021: CXXXIV. törvény 158. §-ával](#) megállapított szöveg.

A 17. § a) pontja a [2017: CXXX. törvény 140. § 6. pontja](#) szerint módosított szöveg.

A 17. § b) pontja a [2017: L. törvény 526. § d\) pontja](#) szerint módosított szöveg.

A 17. § c) pontja a [2017: CXXX. törvény 140. § 7. pontja](#) szerint módosított szöveg.

A 17. § f) pontját a [2019: CXXVII. törvény 208. §-a](#) iktatta be.

A 17. § g) pontját a [2022. évi XXVII. törvény 93. §-a](#) iktatta be.

A 20. § (4) bekezdése a [2019: CXXVII. törvény 238. § 4. pontja](#) szerint módosított szöveg.

A 26. § (2) bekezdése a [2021: CXXXIV. törvény 159. §-ával](#) megállapított szöveg.

A 27. § (1) bekezdése a [2019: CXXVII. törvény 209. §-ával](#) megállapított szöveg.

A 27. § (1) bekezdés a) pontja a [2021: LI. törvény 72. § b\) pontja](#) szerint módosított szöveg.

A 32. § c) pontja a [2019: CXXVII. törvény 239. § c\) pontja](#) szerint módosított szöveg.

A 33. § (1) bekezdése a [2019: CXXVII. törvény 239. § d\) pontja](#) szerint módosított szöveg.

A 33. § (3) bekezdése a [2019: CXXVII. törvény 239. § d\) pontja](#) szerint módosított szöveg.

A 35. § (2) bekezdése a [2017: CXXX. törvény 140. § 9. pontja](#) szerint módosított szöveg.

A 36. § (2) bekezdése a [2021: CXXXIV. törvény 160. §-ával](#) megállapított szöveg.

A 36. § (4) bekezdését a [2019: CXXVII. törvény 211. §-a](#) iktatta be.

A 38. § (1) bekezdés e) pontja a [2019: CXXVII. törvény 238. § 6. pontja](#) szerint módosított szöveg.

A 39. § (1) bekezdése a [2017: L. törvény 526. § e\) pontja](#) szerint módosított szöveg.

A 39. § (3a) bekezdését a [2019: CXXVII. törvény 212. §-a](#) iktatta be.

A 39. § (7) bekezdése a [2017: L. törvény 527. § a\) pontja](#) alapján nem lép hatályba.

A 40. § (1) bekezdése a [2019: CXXVII. törvény](#) – [2020: I. törvény 2. § \(1\) bekezdésével](#) megállapított – 213. §-ával megállapított, a [2022: XXII. törvény 207. § 3. pontja](#) szerint módosított szöveg.

A 40. § (2) bekezdése a [2019: CXXVII. törvény](#) – [2020: I. törvény 2. § \(1\) bekezdésével](#) megállapított – 213. §-ával megállapított szöveg.

A 40. § (2a) bekezdését a [2019: CXXVII. törvény](#) – [2020: I. törvény 2. § \(1\) bekezdésével](#) megállapított – 213. §-a iktatta be.

- ⁵⁸A 40. § (9) bekezdését a [2023. évi LXX. törvény 93. § \(1\) bekezdése](#) iktatta be.
- ⁵⁹A 41. § (1) bekezdése a [2019: CXXVII. törvény 238. § 7. pontja](#) szerint módosított szöveg.
- ⁶⁰A 41. § (6) bekezdését a [2019: CXXVII. törvény 214. §-a](#) iktatta be.
- ⁶¹A 42. § (1) bekezdése a [2019: CXXVII. törvény 215. §-ával](#) megállapított szöveg.
- ⁶²A 46. § (7) bekezdését a [2021: CXXII. törvény 112. §-a](#) iktatta be.
- ⁶³A 46. § (8) bekezdését a [2021: CXXII. törvény 112. §-a](#) iktatta be.
- ⁶⁴A 47. § (6) bekezdését a [2019: CXXVII. törvény 216. §-a](#) iktatta be.
- ⁶⁵A 48. § (1) bekezdés l) pontja a [2019: CXXVII. törvény 217. § \(1\) bekezdésével](#) megállapított szöveg.
- ⁶⁶A 48. § (1) bekezdés m) pontját a [2019: CXXVII. törvény 217. § \(1\) bekezdése](#) iktatta be.
- ⁶⁷A 48. § (3) bekezdése a [2019: CXXVII. törvény 217. § \(2\) bekezdésével](#) megállapított szöveg.
- ⁶⁸A 49. § (1) bekezdése a [2019: CXXVII. törvény 218. §-ával](#) megállapított szöveg.
- ⁶⁹A 49. § (2) bekezdése a [2017: CXXX. törvény 140. § 11. pontja](#) szerint módosított szöveg.
- ⁷⁰Az 50. § (6) bekezdés b) pontja a [2022: VII. törvény 86. §-a](#) szerint módosított szöveg.
- ⁷¹Az 51. § (5) bekezdése a [2019: CXXVII. törvény 219. § \(1\) bekezdésével](#) megállapított, a [2021: LI. törvény 72. § c\) pontja](#) szerint módosított szöveg.
- ⁷²Az 51. § (8) bekezdése a [2019: CXXVII. törvény 219. § \(2\) bekezdésével](#) megállapított szöveg.
- ⁷³Az 57. § (2) bekezdés e) pontja a [2017: L. törvény 527. § b\) pontja](#) alapján nem lép hatályba.
- ⁷⁴Az 58. § (4) bekezdése a [2017: CXXX. törvény 140. § 12. pontja](#) szerint módosított szöveg.
- ⁷⁵A 78. § (3) bekezdése a [2019: CXXVII. törvény 220. §-ával](#) megállapított szöveg.
- ⁷⁶A 81. § (3) bekezdése a [2017: CXXX. törvény 140. § 13. pontja](#) szerint módosított szöveg.
- ⁷⁷A 83. § (1) bekezdése a [2021: CXXII. törvény 113. §-ával](#) megállapított szöveg.
- ⁷⁸A 83. § (7) bekezdése a [2023. évi LXX. törvény 93. § \(2\) bekezdésével](#) megállapított szöveg.
- ⁷⁹A 83. § (8) bekezdését a [2023. évi LXX. törvény 93. § \(3\) bekezdése](#) iktatta be.
- ⁸⁰A 84. § (3) bekezdését a [2017: CXXX. törvény 138. § \(4\) bekezdése](#) iktatta be.
- ⁸¹A 89. § (1) bekezdése a [2019: CXXVII. törvény 221. § \(1\) bekezdésével](#) megállapított szöveg.
- ⁸²A 89. § (4) bekezdését a [2019: CXXVII. törvény 221. § \(2\) bekezdése](#) iktatta be.
- ⁸³A 90. § (1) bekezdése a [2019: CXXVII. törvény 222. §-ával](#) megállapított szöveg.
- ⁸⁴A 90. § (2) bekezdése a [2019: CXXVII. törvény 222. §-ával](#) megállapított szöveg.
- ⁸⁵A 92. § (1) bekezdése a [2017: CLXXIX. törvény 26. § \(1\) bekezdésével](#) megállapított szöveg.
- ⁸⁶A 94. § (1) bekezdés nyitó szövegrésze a [2017: CXXX. törvény 140. § 14. pontja](#) szerint módosított szöveg.
- ⁸⁷A 95. § címe a [2017: CXXXIX. törvény 6. § a\) pontja](#) szerint módosított szöveg.
- ⁸⁸A 95. § (1) bekezdése a [2017: CXXXIX. törvény 6. § a\) pontja](#) szerint módosított szöveg.
- ⁸⁹A 95. § (2) bekezdés nyitó szövegrésze a [2017: CXXXIX. törvény 6. § a\) pontja](#) szerint módosított szöveg.
- ⁹⁰A 95. § (2) bekezdés a) pontja a [2017: CXXXIX. törvény 6. § a\) pontja](#) szerint módosított szöveg.
- ⁹¹A 95. § (2) bekezdés b) pontja a [2017: CXXXIX. törvény 6. § a\) pontja](#) szerint módosított szöveg.
- ⁹²A 95. § (3) bekezdése a [2017: CXXXIX. törvény 6. § a\) pontja](#) szerint módosított szöveg.
- ⁹³A 99. § (1) bekezdése a [2019: CXXVII. törvény 223. §-ával](#) megállapított szöveg.
- ⁹⁴A 99. § (2) bekezdése a [2019: CXXVII. törvény 223. §-ával](#) megállapított szöveg.
- ⁹⁵A 100. § (2) bekezdés b) pontja a [2019: CXXVII. törvény 238. § 8. pontja](#) szerint módosított szöveg.
- ⁹⁶A 101. §-t a [2019: CXXVII. törvény 239. § c\) pontja](#) hatályon kívül helyezte.
- ⁹⁷A 102. § a [2019: CXXVII. törvény 224. §-ával](#) megállapított szöveg.
- ⁹⁸A 107. § (7) bekezdését a [2019: CXXVII. törvény 225. §-a](#) iktatta be, hatályon kívül a [2021: CXXXIV. törvény 165. § a\) pontja](#).
- ⁹⁹A 107. § (8) bekezdését a [2019: CXXVII. törvény 225. §-a](#) iktatta be, hatályon kívül a [2021: CXXXIV. törvény 165. § a\) pontja](#).
- ¹⁰⁰A 109. § (2) bekezdése a [2019: CXXVII. törvény 228. § 9. pontja](#) szerint módosított szöveg.
- ¹⁰¹A 112. § (2) bekezdése a [2019: CXXVII. törvény 226. §-ával](#) megállapított szöveg.
- ¹⁰²A 113. § (2) bekezdése a [2019: CXXVII. törvény 227. §-ával](#) megállapított szöveg.
- ¹⁰³A 113. § (3) bekezdése a [2017: CXXX. törvény 140. § 15. pontja](#) szerint módosított szöveg.
- ¹⁰⁴A 114. § (4) bekezdése a [2019: CXXVII. törvény 238. § 10. pontja](#) szerint módosított szöveg.
- ¹⁰⁵A 115. § (1) bekezdése a [2021: CXXXIV. törvény 161. §-ával](#) megállapított szöveg.
- ¹⁰⁶A 115. § (3) bekezdését a [2019: CXXVII. törvény 228. § \(2\) bekezdése](#) iktatta be.
- ¹⁰⁷A 116. § a) pontja a [2019: CXXVII. törvény 238. § 11. pontja](#) szerint módosított szöveg.
- ¹⁰⁸A 116. § b) pontját a [2020: CLXVIII. törvény 162. §-a](#) hatályon kívül helyezte, újonnan a [2021: CXXXIV. törvény 162. §-a](#) iktatta be.
- ¹⁰⁹A 117. § (3) bekezdése a [2021: LI. törvény 71. § b\) pontja](#) szerint módosított szöveg.
- ¹¹⁰A 117. § (4) bekezdését a [2019: CXXVII. törvény 229. §-a](#) iktatta be.
- ¹¹¹A 117. § (5) bekezdését a [2019: CXXVII. törvény 229. §-a](#) iktatta be.
- ¹¹²A 118. § (1) bekezdése a [2019: CXXVII. törvény 230. §-ával](#) megállapított szöveg.
- ¹¹³A 118. § (2) bekezdése a [2021: CXXXIV. törvény 165. § b\) pontja](#) szerint módosított szöveg.
- ¹¹⁴A 119. § (2) bekezdése a [2017: L. törvény 525. § \(4\) bekezdésével](#) megállapított szöveg.
- ¹¹⁵A 120. § (3) bekezdését a [2019: CXXVII. törvény 239. § f\) pontja](#) hatályon kívül helyezte.
- ¹¹⁶A 121. § (1) bekezdése a [2019: CXXVII. törvény 231. §-ával](#) megállapított szöveg.
- ¹¹⁷A 121. § (2) bekezdése a [2019: CXXVII. törvény 231. §-ával](#) megállapított szöveg.
- ¹¹⁸A 123. § (2) bekezdése a [2019: CXXVII. törvény 238. § 12. pontja](#), a [2021: CXXXIV. törvény 164. § c\) pontja](#) szerint módosított szöveg.
- ¹¹⁹A 124. § (2) bekezdés a) pontja a [2019: CXXVII. törvény 238. § 13. pontja](#) szerint módosított szöveg.
- ¹²⁰A 124. § (2) bekezdés c) pontja a [2019: CXXVII. törvény 238. § 14. pontja](#) szerint módosított szöveg.
- ¹²¹A 124. § (2) bekezdés e) pontját a [2019: CXXVII. törvény 232. § \(1\) bekezdése](#) iktatta be.
- ¹²²A 124. § (2) bekezdés f) pontját a [2019: CXXVII. törvény 232. § \(1\) bekezdése](#) iktatta be.
- ¹²³A 124. § (4) bekezdése a [2017: CXXX. törvény 140. § 16. pontja](#) szerint módosított szöveg.
- ¹²⁴A 124. § (5) bekezdése a [2019: CXXVII. törvény 232. § \(2\) bekezdésével](#) megállapított szöveg.

- ¹²⁵A 124. § (6) bekezdését a [2019: CXXVII. törvény 232. § \(3\) bekezdése](#) iktatta be.
- ¹²⁶A 128. § (1) bekezdés b) pontja a [2019: CXXVII. törvény 233. §-ával](#) megállapított szöveg.
- ¹²⁷A 128. § (1) bekezdés c) pontját a [2022. évi XXVII. törvény 94. §-a](#) iktatta be.
- ¹²⁸A 130. § (1) bekezdése a [2017: CXXX. törvény 138. § \(5\) bekezdésével](#) megállapított szöveg.
- ¹²⁹A 130. § (2) bekezdése a [2017: CXXXIX. törvény 6. § a\) pontja](#) szerint módosított szöveg.
- ¹³⁰A 130. § (3) bekezdése a [2017: CXXXIX. törvény 6. § a\) pontja](#) szerint módosított szöveg.
- ¹³¹A 131. § (1) bekezdése a [2019: CXXVII. törvény 238. § 15. pontja](#) szerint módosított szöveg.
- ¹³²A 131. § (2) bekezdése a [2021: CXXII. törvény 114. §-ával](#) megállapított szöveg.
- ¹³³A 131. § (3) bekezdése a [2017: CXXX. törvény 138. § \(6\) bekezdésével](#) megállapított szöveg.
- ¹³⁴A 131. § (6) bekezdése a [2017: CXXXIX. törvény 6. § b\) pontja](#) szerint módosított szöveg.
- ¹³⁵A 131. § (7) bekezdését a [2017: CXXX. törvény 138. § \(7\) bekezdése](#) iktatta be.
- ¹³⁶A 131. § (8) bekezdését a [2019: CXXVII. törvény 234. §-a](#) iktatta be.
- ¹³⁷A 132. § (1) bekezdése a [2017: CXXX. törvény 138. § \(8\) bekezdésével](#) megállapított szöveg.
- ¹³⁸A 132. § (3) bekezdése a [2017: CXXX. törvény 140. § 17. pontja](#) szerint módosított szöveg.
- ¹³⁹A 133. § a [2017: CXXX. törvény 139. § \(1\) bekezdésével](#) megállapított szöveg.
- ¹⁴⁰A 136. § (1) bekezdése a [2017: L. törvény 526. § h\) pontja](#) szerint módosított szöveg.
- ¹⁴¹A 137. § (1) bekezdés nyitó szövegrésze a [2017: L. törvény 526. § j\) pontja](#), a [2019: CXXVII. törvény 238. § 16. pontja](#) szerint módosított szöveg.
- ¹⁴²A 137. § (1) bekezdés b) pontja a [2017: L. törvény 526. § j\) pontja](#) szerint módosított szöveg.
- ¹⁴³A 137. § (2) bekezdése a [2019: CXXVII. törvény 238. § 17. pontja](#) szerint módosított szöveg.
- ¹⁴⁴A 137. § (3) bekezdése a [2017: CXXX. törvény 140. § 18. pontja](#), a [2019: CXXVII. törvény 238. § 18. pontja](#) szerint módosított szöveg.
- ¹⁴⁵A 138. § (5) bekezdése a [2017: CXXX. törvény 140. § 19. pontja](#) szerint módosított szöveg.
- ¹⁴⁶A 139. § a [2019: CXXVII. törvény 235. §-ával](#) megállapított szöveg.
- ¹⁴⁷A 146. § (2) bekezdése a [2017: CXXX. törvény 140. § 20. pontja](#) szerint módosított szöveg.
- ¹⁴⁸A XXVI. fejezet (151–153/B. §) a [2019: CXXVII. törvény 236. §-ával](#) megállapított szöveg.
- ¹⁴⁹Lásd a [21/2017. \(XII. 22.\) IM rendeletet](#), a [6/2019. \(III. 18.\) IM rendeletet](#).
- ¹⁵⁰A 157. § a [2017: L. törvény 525. § \(6\) bekezdésével](#) megállapított szöveg.
- ¹⁵¹A 157. § (2) bekezdése a [2019: CXXVII. törvény 237. §-ával](#) megállapított szöveg.
- ¹⁵²A 157. § (3) bekezdése a [2019: CXXVII. törvény 237. §-ával](#) megállapított szöveg.
- ¹⁵³A 157. § (4) bekezdése a [2019: CXXVII. törvény 237. §-ával](#) megállapított szöveg.
- ¹⁵⁴A 157. § (5) bekezdése a [2019: CXXVII. törvény 237. §-ával](#) megállapított szöveg.
- ¹⁵⁵A 157. § (6) bekezdése a [2019: CXXVII. törvény 237. §-ával](#) megállapított szöveg.
- ¹⁵⁶A 157. § (7) bekezdése a [2019: CXXVII. törvény 237. §-ával](#) megállapított szöveg.
- ¹⁵⁷A 157. § (8) bekezdését a [2019: CXXVII. törvény 237. §-a](#) iktatta be.
- ¹⁵⁸A 157. § (9) bekezdését a [2019: CXXVII. törvény 237. §-a](#) iktatta be.
- ¹⁵⁹A 157. § (10) bekezdését a [2019: CXXVII. törvény 237. §-a](#) iktatta be.
- ¹⁶⁰Paragraph (11) of Section 157 was inserted by [Section 237 of Act CXXVII of 2019](#).
- ¹⁶¹Paragraph (12) of Section 157 was inserted by [Section 237 of Act CXXVII of 2019](#).
- ¹⁶²Paragraph (13) of Section 157 was inserted by [Section 237 of Act CXXVII of 2019](#).
- ¹⁶³Paragraph (14) of Section 154 was inserted by [Section 163 of Act CXXXIV of 2021](#).
- ¹⁶⁴Section 10 of Section 159 was inserted by Section 100 of Act [CXXXVI of 2021](#).