

The Report about visiting and studying in Hungarian Supreme Court

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As a participant of the judge visiting and studying program which is organized by IASAJ, I visited the Hungarian Supreme Court (the Curia) from September 3 to 19, 2016. It was fruitful, successful and unforgettable. During the whole period, Dr. András Kovács, an experienced and warmhearted judge in the Curia, acted as my tutor. He and his colleagues in the international affairs office arranged the daily agenda and make me have more opportunities to know Hungary and its judicial culture. Dr. Darak Peter, the president of the Curia, also met me in his office, and discussed with each other about Chinese Judicial Reform.

My visiting and studying began with the cases discussions together with Dr. András Kovács and his panel in my second day stay in the curia. It is the first time for both of us to discuss the real cases in English which is not our mother

language. We all enjoyed communicating the ideas and solutions to handle the real cases, and discussed the sameness and difference of case judgment between Hungary and China. During this section, we were very glad to realize that we can reach a very similar judgment even though we have different language, different culture and different legislation. Actually, to review the administrative action and supervise the government, the administrative law judges hold a very similar opinion, we all act as the safeguard of human rights, protector of public interest and upholder of the rule of law. In my visit, I also participated in the court hearings process, and observed how Hungarian judges presided the hearings. I myself is very surprised that lawyers were not allowed to be seated to make presentations. During the hearing, if lawyer wants to give some opinions, he/she should stand up. And this symbolized the respect to the rule of law and the judiciary. Hungarian judges work very efficiently and have high standard skills to preside court hearings. They can normally finish a hearing in 30 minutes, while in China an ordinary court hearing will last 2 or 3 hours.

The separation of the Supreme Court and the National Office

of the Judiciary is the symbolic of Hungarian rule of law. The Supreme Court is not entitled to serve the judiciary. In my visit to the Hungarian Judicial Academy, which is a subordinate institution of the National Office of the Judiciary, Dr. Éva Galla arranged an excellent presentation on Hungarian court system and judges recruitment and training process. The informative presentation illustrated a very different judiciary management system in compared with other European countries. The National Office of the Judiciary plays more important role than that of the Supreme Court, but with a special and balance arrangement. The independence of the judiciary is still maintained. At the same time, the Curia and its president have more energy and time to maintain the conformity of the judgment.

During my stay, I was invited to visit the Constitutional Court of Hungary, and meet Dr. Tamás Sulyok, the honorable Vice-President of the Constitutional Court .we talked about the development of constitutional review from its beginning in 1990, in which both of us agreed that the constitutional court had developed a rich and extensive jurisprudence, obtaining itself an international

reputation as a powerful and important court.

The Administrative Court of Budapest is the most important county court in Hungary, especially as far as administrative cases are concerned. It locates at the beautiful west bank of the Danube. The court only has 31 judges, while nearly half of the judicial review cases are tried by them. In 2015, the number of judicial reviews cases is 13750 national-wide, while the Administrative Court of Budapest received nearly 6000.

The administrative court system in Hungarian differs from the French style and the German style, according to a legal proposal; it is possible that up to 2018, Hungary will have its own administrative court system. That is to say, the Supreme Court will have an administrative cases division, an independent administrative appeal court will be set up, and meanwhile 5 administrative regional courts will act as the first instance court.

As an administrative judge, I was also arranged to visit Hungarian Ministry, and know more about Hungarian administration. In two-week period, I visited the Hungarian Authority for Consumer Protection, the Hungarian Media and Info-communications Authority. Professors and

lawyers also met me in the Faculty of Law of Eötvös Loránd University and the Law Firm Allen & Overy, and these enabled me to evaluate the effect of the law enforcement and how the judicial review system works.

Since Hungary is an EU law Country, I also get an opportunity to see how the international law and domestic law works together. This gave me a deep understanding about the application of the European Law in Hungary.

Hungary is one of the most beautiful countries which I have traveled to. It links west Europe and east Europe. Different cultures exist together and they get along well with each other. The Budapest is well known for its picturesque landscape, the Supreme Court and the hotel is just near the Danube. This made me have more time to travel through over the downtown. Everyday when I finish my work, I could travel by tram, or subway, or bus. In the weekend, I took trains to visit the lake area.

The visiting stay is only about two weeks, but the friendly and optimistic Hungarian people impress me deeply, the agenda is considerate and fruitful. Although it is an only two-week's limited time program, I have learned much more from the meeting, seminar, books, even from the website of

the Supreme Court. When I came back to China, I wrote an article concerning it and published it in the People Court Daily on October 28, whose title is “Judicial Review in Hungary and its judge recruitment system”. I wish this article will give Chinese judges an opportunity to know and understand more about Hungary judiciary and its efficient work.

The visit was finished, while the friendship between Hungarian judge and me would last forever. I appreciate the hard-work of Dr. Bálint Berkes and his colleagues in the International Affair Department so much, I also give my best regards to Mr Kamel Ajji in IASAJ and his strongly supporting during the whole process. Finally, I thanks the IASAJ、the French Supreme Administrative Court and the Hungarian Supreme Court. Otherwise, the program would not have existed. After I finished my visiting and studying in September and in October, I and my court also hosted an Italian Supreme Court Judge, we got along well with each other, and through his visit we exchange information about Italian and Chinese judicial review system too. In the near future, I wish more administrative judges will come to China, so we can exchange ideas with each other and enhance

the friendship and communication between world-wide administrative judges.