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| Title | Courts and Administration – Administrative jurisdiction and judicial administration in a comparative perspective |
| Lecturers: | Prof. Dr. Krisztina Rozsnyai, Department of Administrative Law rozsnyaik@ajk.elte.hu Hubert Bekisz, PhD student, EUI |
| Brief description | The course aims at exploring the system of checks and balances between courts and administration. On the one hand, main aspects of judicial review will be treated in the matrix of access to court and effective judicial protection against administrative actions. On the other hand, the aspects of court administration will also be analysed, mainly focusing on the fair trial aspects, like independence and impartiality, as well as the questions of timeliness, case distribution and composition of panels. The case law of the ECtHR and ECJ as well as single member states' solutions are to be explored. |
| Schedule | <ol style="list-style-type: none">1. (16/9) Introduction to the course. Administration, administrative jurisdiction and the separation of powers2. (23/9) The right to effective judicial protection and its components in European Law (HB)3. (30/9) The right to access to court – administrative cases between the „criminal” and the „civil” limb before the ECtHR. The notion of administrative dispute4. (7/10) Powers of courts. Judicial deference and margins of appreciation (HB)5. (14/10) Models of court administration6. (21/10) Judicial independence: institutional aspects7. (4/11) Autonomous administrative courts: a necessity of effective judicial protection?8. (11/11) Personal aspects of judicial independence and impartiality. Selection of judges and case distribution9. (18/11) Timeliness and supervision of judges10. (25/11) The system of remedies and its role in ensuring quality and unity of jurisdiction. The question marks of special instruments for the uniform judicial interpretation of the law.11. (2/12) State liability: models and important trends.12. (9/12) Final exam (written in class). Evaluation, wrap up |
| Materials/ Recommended readings | [Links and further materials in the LM System] Christoph Grabenwarter: European Convention on Human Rights – Commentary, München: Beck, 2014. 98-170. David Harris, Michael O'Boyle, Ed Bates, and Carla Buckley: Law of the European Convention on Human Rights, OUP, 2018. Handbook on European law relating to access to justice. FRA, 2016. https://fra.europa.eu/en/publication/2016/handbook-european-law-relating-access-justice Arman Zrvandyan: Casebook on European fair trial standards in administrative justice. CoE, 2015. Rennert, Klaus: Administration, Administrative Jurisdiction and Separation of Powers. ELTE Law Journal 2018/1. |

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| | <p>Dovydas Vitkauskas – Grigoriy Dikov: Protecting The Right To A Fair Trial Under The European Convention On Human Rights. A Handbook For Legal Practitioners. Council of Europe, 2nd edition, 2017.</p> <p>Philip M. Langbroek, Rachel I. Dijkstra, Kyana Bozorg Zadeh and Zübeyir Türk, ‘Performance management of courts and judges: organizational and professional learning versus political accountabilities’ in Francesco Contini (ed.), <i>Handle with Care. Assessing and designing methods for evaluation and development of the quality of justice</i>, Bologna: IRIS-CNR, 2017.</p> <p>CEPEJ Report by M. Fabri, P. Langbroek, Delay in Court Proceedings: A Preliminary Inquiry into the Relation Between the Demands of the Reasonable Time Requirements of Article 6, 1 ECHR and Their Consequences for Judges and Judicial Administration in the Civil Criminal and Administrative Justice Chain, Strasbourg 2003, https://rm.coe.int</p> <p>Wojtek Piatek (ed.) Supervision of courts, J. Lang, 2021.</p> <p>Badó, Attila (Ed.) Fair Trial and Judicial Independence. Hungarian Perspectives Springer, 2014.</p> <p>F. Rozsnyai, K. (2019). Current Tendencies of Judicial Review as Reflected in the New Hungarian Code of Administrative Court Procedure. Central European Public Administration Review, 17(1), pp. 7–23.</p> <p>Vadász, Viktor; György Kovács, András: A game hacked by the dealer, VerfBlog, 2020/11/10, https://verfassungsblog.de/a-game-hacked-by-the-dealer/, DOI: 10.17176/20201110-200050-0.</p> <p>F. Rozsnyai, K. (2019) Administrative Law Hungary – Chronicle for 2018. European Review of Public Law, Vol. 30, no 4 (110), winter/hiver 2018.</p> |
| Assessment/Exam | <p>Assessment will be threefold:</p> <ol style="list-style-type: none"> 1. Final in-course written test (53%) 2. Homeworks (27%) 2. Course activity – inputs in class and to online discussions (20%) <p>In addition, students may choose to prepare a presentation on a specific field connected to the lectures during the term, which should be the comparative analysis of one question tackled by the course concerning the student’s native administrative jurisdiction or judicial administration. The presentation should not exceed 12 slides/ 15 minutes, and preferably should be recorded as an mp4 file. (+max 20%). You can sign up here.</p> |