



28.1.2025

NOTICE TO MEMBERS

Subject: Petition No 1037/2024 by Péter Balázs Oláh (Hungarian) on judicial compensation and independence in Hungary

1. Summary of petition

The petitioner urges effective action to restore judicial independence in Hungary, emphasizing that the allegedly inadequate legal regulation of judges's and judicial staff's remuneration has led to a sustained and systemic violation of institutional independence, contrary to EU law.

2. Admissibility

Declared admissible on 28 November 2024. Information requested from Commission under Rule 233(5).

3. Commission reply, received on 28 January 2025

The petitioner calls for effective measures to restore the independence of the judiciary in Hungary, stressing that the allegedly inadequate legal regulation of the remuneration of judges and court staff has led to a persistent and systemic violation of institutional independence, contrary to EU law.

Article 19(1) TEU requires that every Member State must ensure that the bodies which, as 'courts or tribunals' within the meaning of EU law, come within its judicial system in the fields covered by that law, meet the requirements of effective judicial protection. In order for that protection to be ensured, maintaining such a court or tribunal's independence is essential, as confirmed by the second subparagraph of Article 47 of the Charter of Fundamental Rights, which refers to the access to an 'independent' tribunal as one of the requirements linked to the fundamental right to an effective remedy. Like the protection against removal from office of the members of the body concerned, the receipt by those members of a level of remuneration

commensurate with the importance of the functions they carry out constitutes a guarantee essential to judicial independence¹.

The Committee of Ministers of the Council of Europe underlined that judges' remuneration should be commensurate with their profession and responsibilities and be sufficient to shield them from inducements aimed at influencing their decisions. Specific legal provisions should be introduced as a safeguard against a reduction in remuneration aimed specifically at judges².

In its 2024 Rule of Law Report, the Commission recommended that Hungary 'take structural measures to increase the remuneration of judges, prosecutors, and judicial and prosecutorial staff, taking into account European standards on remuneration for the justice system'³.

Since 15 January 2024, the Commission has received several complaints concerning the level of remuneration of judges and court staff in Hungary and the lack of automatic indexation of such remuneration. The complainants argue that the current situation violates Articles 2 and 19(1) TEU and Article 47 of the Charter of Fundamental Rights of the EU. The Commission is still examining these complaints.

The salary of judges (and prosecutors, judicial and prosecutorial staff) in Hungary is calculated by multiplying the statutory salary base for judges by multiplying factors determined by law, corresponding to seniority and court instance. Between 1 January 2022 and 31 December 2024, the statutory salary base was HUF 566 660. During that period of time, inflation exceeded 40%. There is no automatic indexation of the salary base⁴.

To address the situation, on 26 February 2024, the National Judicial Council proposed to raise the salary base for judges by 35% as of 1 January 2024, to introduce automatic indexation of the salary base as of 1 March 2025 and to raise as of 1 January 2025 the special duty allowance payable to judges working at lower-level courts. Subsequently, the President of the National Office for the Judiciary made a proposal for a 35% increase of the salary base for 2025. According to the Organisation and Administration of Courts Act, the President of the National Office for the Judiciary prepares the proposal for the budget for courts following consultation with the National Judicial Council and the *Kúria* President, and the Government presents this proposal to Parliament unaltered, as part of the bill on the central budget⁵.

On 11 November 2024, the government tabled in Parliament the draft national budget for 2025. Section 68(1) of the draft left the salary base for judges unchanged. On 18 December 2024, Parliament adopted the national budget for 2025; it raised the salary base of judges to HUF 651 660, that is by 15%, as of 1 January 2025⁶. Simultaneously, following a proposal of its Committee on Legislation, Parliament amended the rules applicable to the calculation of

1 See judgment of the Court of Justice of 27 February 2018 in case C-64/16 *Associação Sindical dos Juizes Portugueses*, ECLI:EU:C:2018:117, para 45.

2 Recommendation CM/Rec(2010)12 on judges: independence, efficiency and responsibilities, para 54.

3 2024 Rule of Law Report, Country Chapter on the rule of law situation in Hungary, SWD(2024) 817 final, p. 2.

4 The Commission monitors in the EU Justice Scoreboard the ratio of the annual salary of judges compared to the annual average gross salary in the country (see most recently Figure 35 of the 2024 EU Justice Scoreboard with data from 2022).

5 Section 76(3)(a) of Act CLXI of 2011 on the Organisation and Administration of the Courts.

6 See Section 69(1) of Act XC of 2024 on Hungary's central budget for the year 2025.

the remuneration of court staff at all court instances, and of court managers and judges of the *Kúria*, resulting in a significant increase of their salaries as of 1 January 2025⁷.

Conclusion

The Commission is examining the complaints it received concerning the level and lack of automatic indexation of remuneration of judges and court staff in Hungary and will continue to monitor the situation, like for all member States, in its annual Rule of Law report.

⁷ See the amendments introduced by Sections 45 to 55 and 96 to 109 of Act LXXIV of 2024 on the foundation of Hungary's central budget for the year 2025.