



# **TERRITORIAL AND LOCAL ADMINISTRATIVE SYSTEM IN HUNGARY**

## **X. SOME ASPECTS OF LOCAL AUTONOMY (2)**

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## 10. Some aspects of local autonomy (2)



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# Map of presentation

## 1. System and extent of administrative supervision

- Article 8
- European cases
- The case of Hungary

## 2. Right protection issues

- Article 11
- European cases
- The case of Hungary

# Administrative supervision

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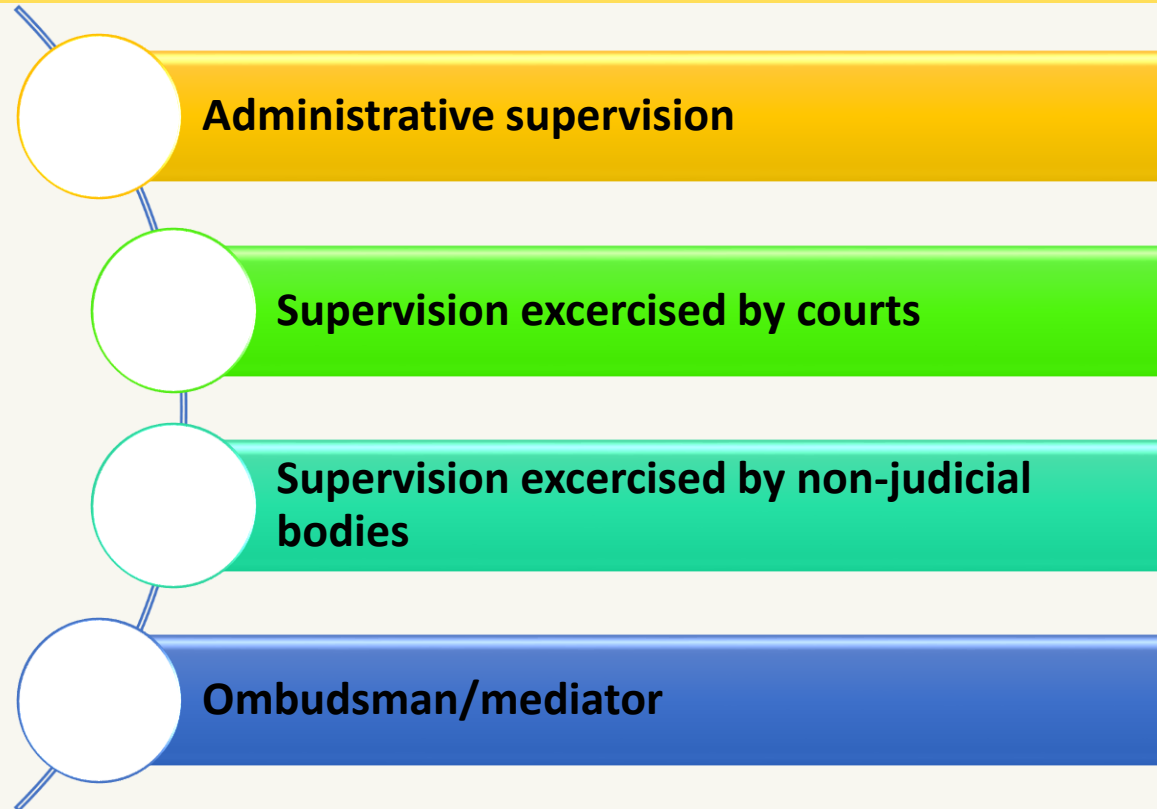
## legality of self-government actions

- in general
- delegated tasks – extended power

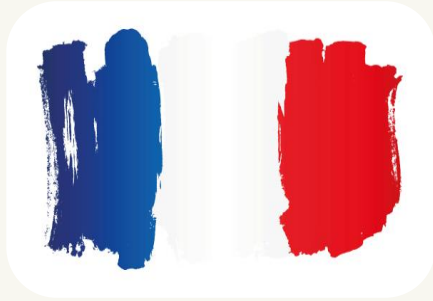
## proportionality

- using methods
- result

# Forms of supervision



## Different systems of supervision



French system



UK



Germany



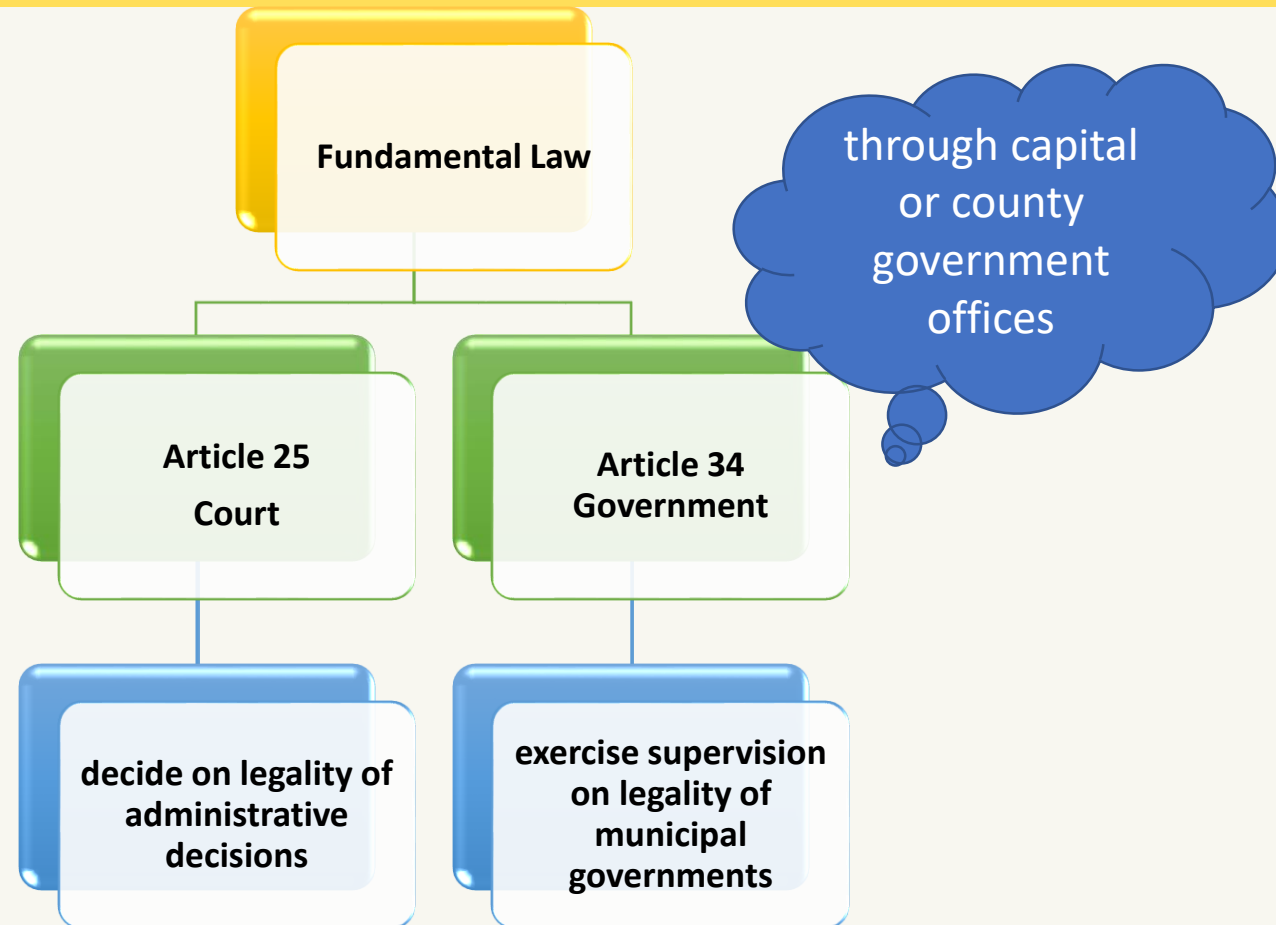
a priori



a  
posteriori



# The administrative supervision in Hungary



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# Tools, scope of administrative supervision

## Subject

- lawfulness of the operation, decision-making procedure
- lawfulness of the decisions
- fulfilment of the legislation, legal regulation based decision-making and task fulfilment obligation of the entity concerned

issue regulatory request

initiate convening of or convene the representative body

motion for CC

bring action before the court

replacement of decisions

regulatory supervision penalty

dissolution the representative body

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# Local self-government's rights protection

## Article 11

- *Local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.*

## against any legal entity

- central government
- local or regional authority
- private individual

## procedural issues

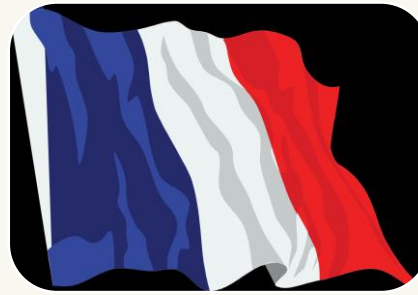
- adversarial proceedings
- public hearing
- equality of arms
- right to defence
- reasoned grounds given for the resolutions

## Legal protection issues in Europe

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**UK**



**France**



**Germany**



**Denmark**



**Poland**



**Slovak  
Republic**

## Hungarian legal protection

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### constitutional

- former competence of CC
- action popularis
- Fundamental Law remains silent
- constitutional complaint only
- narrowed

### judicial

- Local Government Act provisions
- borrowing transaction
- investment implementation
- Legal dispute on association affairs

**Thank you for your kind  
attention.**



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