
Preface to the *Wandel des Rechtsstaats* Papers

Still amid the uncertainties of the pandemic, the Faculty of Law of Eötvös Loránd University (ELTE) Budapest decided to organise a conference with the title *Wandel des Rechtsstaats*. You may wonder why we chose to give a German title to an international conference. Initially, we only thought about organising the next event of our biannual conference together with the Faculty of Law of Georg August University Göttingen, which had already turned into a tradition over the last twenty years. But then, due to our enthusiasm for restarting conferences and the generous subsidy from the National Agency for Research, Development and Innovation in the *Mecenatúra* Programme, we decided to expand and turn this conference into a three-tier event with three sections in three different languages. To the French section we invited our long-time partner, the Faculty of Law of Université Panthéon-Assas Paris and the third section was set up as an English section.

Another difference between the sections was a topical one: as the French and the German-speaking sections were based on the cooperations between our Faculties, there were no restrictions as to the topic of the sections. This allowed for a great variety of themes overarching all fields of law. The English-speaking section was based on an open call for papers with a topical restriction, namely to topics that reflect the challenges of the principle of rule of law in the daily practice of administrative tribunals and constitutional courts. This was due to the fact that effective judicial protection against the administration and in general against the state is the *Schlussstein im Gewölbe des Rechtsstaats* (the keystone in the vault of the rule of law), an essential focal point for any investigation on transformations of the content of this notion. We retained the German title not only to emphasise the roots of the conference, but also considering that the notion of *Rechtsstaat* is universal and used in scholarly literature in all three languages (as well as out of fear of possible losses in translation).

The selection of papers you can read in this issue of the *ELTE Law Journal* is based on the third section¹ and gives a deep insight into the multifaceted subject of administrative adjudication, which is tied up in the multilevel system of national, European and international courts, and at the same time closely linked to administrative organisation and procedure. It is in this multilevel system where Emilie Chevalier and László Szegedi are looking at the dialogue between the ECJ and national courts, which continuously shapes administrative court procedures and administrative law itself, whereas Bernadette Somody and Dominika Kincső Hollós tackle questions of constitutional adjudication following and affecting

¹ The papers from the French and German sessions are to be found in Vol. LXI (2022) of *Annales*, the other international (and multi-language) periodical of the Faculty of Law of University ELTE Budapest.

administrative court procedures. Article 6 of the ECHR lies at the heart of Wojciech Piątek's and Andrzej Skoczylas's paper on the different models of the appointment of administrative judges, as well as of the paper from Andrzej Paduch, who tackles questions of fair trial affected by the pandemic. Of course, questions of fair trial and constitutionality are also raised by Denisa Skladalova writing on the very important questions of interim protection, and in connection with the judicial review of automated decision-making by Igor Gontarz. The paper of Kristína Slámková, Matúš Radosa and Matej Horvat addresses some problems of mass administrative court procedures – a real challenge for the legislature and the tribunals to strike the right balance between timeliness and fairness. To complete the picture, Thomas Mann tackles the questions of effective legal protection in the interdependence of administrative and administrative court procedure, as does my paper, too.

I think I can say in the name of all the authors in this issue that it is a pleasure for us that this issue of ELTE Law Journal starts with the paper from Prof. Dr. Dres. h. c. Andreas Voßkuhle, former president of the German Federal Constitutional Court, an eminent scholar of public law, which is the written version of his inaugural lecture held on the occasion of receiving the honorary doctor title from University ELTE Budapest.

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