

# ABSTRACTS

## ESSAYS

Márton Varju's article looks at the most important recent developments in the human rights jurisprudence of the EU Court of Justice. It examines, in particular, whether the judicial treatment of the human rights issues in the relevant cases represent something conceptually or systematically different from the previous practices of the court, or they continue with and reinforce existing patterns in the judicial interpretation and application of human rights in the EU. Since the earliest judgments, the human rights jurisprudence of the EU Court of Justice has been influenced by a number of considerations, such as the consolidation of EU integration, introducing rule of law elements into the integration process, or the ensuring the effectiveness of legally expressed EU obligations, which as expressed in judicial interpretation provided the protection of human rights before the EU Court of Justice multiple, parallel conceptual and systemic bases. The recent rulings examined in this article –the new Opinion on the accession of the EU to the ECHR and the groundbreaking online data protection cases – seem to confirm the continued relevance of these considerations for judicial interpretation leaving little doubts as to what can be expected from the EU Court of Justice in this domain.

In her essay, Éva Balogh deals with the judicial practice in cases involving the criticism of public officials. Discussing the case law of the Hungarian Constitutional Court and ordinary courts, as well as various foreign and international courts, and especially that of the European Court of Human Rights she concludes that even though most of the courts use joint standards, but the decisive factor of the jurisprudence is the own deliberation of the particular judges in given cases, what she calls the 'art of distinction'.

Balázs Majtényi's paper surveys the academic literature on the new Fundamental Law in Hungary and makes three statements. Firstly, it argues that it is important to distinguish between scholars and texts that accept and ones that refuse to accept the new constitution. Secondly, the analysis contends that there are no value-neutral methods of constitutional research. Thirdly, it argues that since the Fourth Amendment the academic literature on the new constitution can be interpreted along not one, but two differences: in addition to the difference between the acceptance and refusal of the legitimacy of the Fundamental Law, opinions that are made from an internal or external viewpoint on the new constitutional system are separable too.

## INTERVIEW

Miklós Lévay, former member of the Constitutional Court of Hungary gave his first interview right after the expiry of his mandate. Lévay gives a valuable insight to the working of the Constitutional Court between 2007 and 2016. He touches upon several topics from different areas: his personal ambitions, the changes of the criminal legal system, the significance of international law in the decision-making of the court, the role of the constitutional court in the political and legal turmoil after 2010, the new legal institutions introduced by the Fundamental Law, etc.

## FORUM

In this column, Dalma Dojcsák, András György Kovács, Szonja Navratil and László Biczó analyze the fundamental rights adjudication practice of ordinary courts in Hungary, considering issues like freedom of expression litigation, administrative law, integrity and the overall institutional setting.