



THEMIS Grand Final Competition
(08 – 11 October 2019)

TEAM ROMANIA II

v.s.

TEAM HUNGARY

Ms Summer, national of Country D (member State of EU), runs a business in Country E (also member State of EU) and has to pay some charges (fees) for regular and obligatory administrative checks in her business (checks on safety regulations for her employees). The legal basis for the regular administrative checks as well as the obligation to pay costs for the inspection is laid down in EU secondary legislation. The charges (fees) were fixed by decision of the administrative authority of country E. Ms Summer does not speak the official language of country E.

She lodged a complaint with the Administrative Court in Country E, arguing that the sum was too high. For these kinds of court proceedings of first instance she did not need to be represented by a lawyer, but she would have to pay court fees. She presented her arguments in her language (of country D).

The Administrative Court informed her that her appeal would be inadmissible because she did not pay the – obligatory - court fees. Ms Summer informed the Court (in writing) that she could not pay the court fee because she lacked the financial means to do so and also gave prove for it.

The Court decided to lower the Court Fee from 121 Euro to 20 Euro, although national laws did not provide for this possibility. Subsequently she paid 20 Euro as court fees.

During the following court proceedings the daughter of Ms Summer (who was 17 years old and was capable of speaking and understanding the language of country E) translated during the court hearing, because no interpreter for the language E was available for the hearing and Ms Summer had agreed to have her daughter as a translator. A representative of the administrative authority was not present in the hearings. The Court did not follow the arguments of Ms Summer and dismissed her complaint.

The Administrative Court of Country E decides as first and last instance in these cases.

Ms Summer lodged a claim to ECHR. In this complaint she argued that there was an incorrect translation during the oral hearing. She also argued that the deciding judge had been appointed in a way which was not in line with national law provisions and that the appointing authority had not followed the proper appointment process. She referred to different public statements and report of judicial associations which were publicly available on this topic and had remained undisputed. No further access to information on the appointment process is available for parties to court cases or the general public as such. Also no access to a court in order to challenge the appointment procedures of judges is available.

Team ROMANIA II: you represent Ms Summer.

Team HUNGARY: you represent the defending state.