



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Hungary

National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

10066000

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	46654900000
Regional / entity level	

##### 3) Per capita GDP (in €)

8926

##### 4) Average gross annual salary (in €)

8178

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

1,00 EUR = 251,28 HUF

##### Please indicate the sources for the questions 1 to 4

Hungarian Central Statistical Office

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

277750000

##### 7) Please specify

The figure includes the budget of the Supreme Court, the 5 appeal courts, the Metropolitan Court, the 19 county courts and the Office of the National Council of Justice and the amounts for investments, compensation, EU-funded projects and the contingencies.

##### 8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross)

☒ Yes

221600000

salaries

Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	3200000
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Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	13200000
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Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	29800000
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Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	7900000
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Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	700000
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Other (please specify):	<input type="checkbox"/> Yes	
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**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

☒ Yes

☐ No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

2002: +5,5%

2003: +44,2%

2004: +34,6%

2005: -0,4%

2006: -0,3%

**10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

☐ for criminal cases?

☒ for other than criminal cases?

If yes, are there exceptions? Please specify:

In general, litigants who do not have sufficient financial means, are not required to pay a tax or fee to start a proceeding, they can be granted court fee exemptions, right of prenotation of court fees. Furthermore, litigants are exempt from paying court fees in certain types of legal disputes (for instance in employment-related lawsuits, lawsuits concerning child accomodation and delivery etc.). There are some legal persons who receive personal duty exemption, for example public authorities (the State of Hungary, local governments) and non-governmental organisations.

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)**

0

**12) Total annual approved budget allocated to the whole justice system (in €)**

600700000

**13) Total annual approved public budget allocated to legal aid (in €)**

198981

**14) If possible, please specify**

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	no data	no data

**15) Is the public budget allocated to legal aid included in the court budget ?**

☒ Yes

☐ No

**16) Total annual approved public budget allocated to the public prosecution system (in €)**

116005000

**17) Is the budget allocated to the public prosecution included in the court budget?**

☐ Yes

☒ No

**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

The State Audit Authority as a specific inspection body is in charge of evaluating the use of the State Budget.

**You can indicate below:**

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system and the main reforms that have been implemented over the last two years**
- **if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process**

The annual budget of the courts is adopted by the Parliament. The National Council of Justice is in charge of allocating the amount among the courts (Supreme Court, appeal courts, county courts and the Office of the National Council of Justice).

The detailed budgetary plans are prepared by the judicial institutions.

These plans are to be submitted to the Parliament for adoption, following their financial supervision by the Office of the National Council of Justice.

Subsequently, the Parliament is in charge of approving the execution of the budget.

**Please indicate the sources for the questions 6, 7, 13 et 16**

Sources regarding questions 6, 7, 13: the statistical database of the Office of the National Council of Justice

Sources regarding question 16: the database of the Prosecutor General's Office

## 2. Access to justice

### 2. 1. Legal aid

#### 2. 1. 1. Principles

**20) Does legal aid concerns:**

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

**21) If other, please specify (in regards to question 20):**

**22) Does legal aid foresee the covering or the exoneration of court fees?**

☒ Yes

☐ No

If yes, please specify:

The legal aid system consists of:

1. granting exoneration of the court duties and court fees,
2. free appointment of an attorney at law

**23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?**

☒ Yes

☐ No

If yes, please specify:

In principle, legal aid is granted for the whole judicial procedure, including the execution of judicial decisions. In contrast to this rule, the losing party shall reimburse the costs and fees of execution for the prevailing party.

**24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:**

	Number
Total	43.834
Criminal cases	0
Other than criminal cases	43.834

**25) In a criminal case, can any individual who does not have sufficient financial means be assisted by**

**a free of charge (or financed by public budget) lawyer?**

- ☒ Yes
- ☐ No

**26) Does your country have an income and asset test for granting legal aid:**

	No	Yes	Amount
for criminal cases?		yes	107 euros
for other than criminal cases?		yes	107 euros

**27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?**

- ☒ Yes
- ☐ No

**28) If yes, is the decision for granting or refusing legal aid taken by:**

- ☒ the court?
- ☐ an authority external to the court?
- ☐ a mixed decision-making authority (court and external)?

**29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?**

- ☒ Yes
- ☐ No

Please specify:

In general, the Hungarian legal system does not prohibit the establishment of legal expense insurance services. However, these services exist only in a few areas, e.g. liability insurance for car holders.

**30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:**

	yes	no
criminal cases?		



	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

**Please indicate the sources for the questions 24 and 26**

Sources for questions 24 and 26: the statistical database of the Office of the National Council of Justice.

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):**

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.magyarorszag.hu, www.magyarokozlony.hu, www.irm.gov.hu
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.lb.hu, www.birosag.hu
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	www.irm.gov.hu

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

- ☐ Yes  
☒ No

If yes, please specify:

**33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?**

- ☒ Yes  
☐ No

If yes, please specify:

Based on Act CXXXV of 2005 on the help and compensation of victims of crimes, regional services are being established to provide assistance for victims. In addition, several non-governmental organisations and associations carry out aiding activities within the same scope.

**34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**35) Does your country have a compensation procedure for victims of crimes?**

☒ Yes

☐ No

**36) If yes, does this compensation procedure consist in:**

☒ a public fund?

☐ a court decision?

☐ private fund?

If yes, which kind of cases does this procedure concern?

The compensation procedure concerns the victims of the crimes indicated hereinafter: homicide, serious bodily harm, rape, assault causing irrevocable deficiency, assault causing death, robbery, driving under the influence of alcohol.

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**☒ Yes☐ No

If yes, please specify:

The issue of victim compensation in criminal proceedings has been addressed by several authors in the past ten years:

Tünde A. BARABÁS: Compensation of victims. In: Acta Humana, 1997/26.

József VIGH: Means of indemnification against damages in the Hungarian criminal justice system. In: Jogelméleti szemle, 2003/2.

Ilona GÖRGÉNYI: Indemnification by the state, restitution by the offender and endeavours for restorative justice. In: A viktimológia alapkérdései, negyedik fejezet (The basic issues of victimology, Ch. IV), 2004.

Erika RÓTH: The position of the injured party in criminal proceedings. In: Áldozatsegítés Európában 2004 (Victim support in Europe 2004). The 2005 publication of the Ministry of Justice.

Anna KISS: The role of the adhesion procedure in criminal proceedings. In: Kriminológiai Tanulmányok (Studies in Criminology) 2005/42.

It must be noted that a comprehensive research on „The role of the injured party in criminal proceedings” is being carried out by the National Institute of Criminology (an institute of the Attorney General's Office).

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**☒ Yes☐ No

If yes, please specify:

Section 51 of the Act on the Criminal Code: “the victim shall be entitled to a) be present at the procedural actions 8unless provided otherwise by this Act) and to inspect the documents affording him or her in the course of procedure, b) make motions and objections at any stage of the procedure, c) receive information from the prosecutor and the investigating authority concerning his or her rights and obligations during the criminal proceedings, c) file for legal remedy in the cases specified in this Act.”

The prosecutor ensure the protection of rights of the persons – including victims - involving into criminal procedure. (Section 1 of the Act on the Prosecution Service)

**39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?**☒ Yes☐ No

If yes, please specify:

There are cases where private prosecution or supplementary private prosecution is

allowed. If so, the court notifies the victim of the decision of the public prosecutor, and the victim has 30 days from the receipt of the notification to declare whether (s)he intends to go on with the case as a private or supplementary private prosecutor.

## 2. 2. 2. Confidence of citizens in their justice system

### 40) Is there a system for compensating users in the following circumstances:

- ☒ excessive length of proceedings?
- ☐ non execution of court decisions?
- ☒ wrongful arrest?
- ☒ wrongful condemnation?

If yes, please specify (fund, daily tariff):

According to Section 2, Paragraph 3 of the Code of Civil Procedure, the party to proceedings may file a claim for compensation of the violation of his/her right to have a fair trial within a reasonable period of time.

If the convicted person is acquitted in the course of an extraordinary remedy, s(he) may submit a request for compensation within 6 months from the announcement of the decision.

### 41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- ☒ (Satisfaction) surveys aimed at judges
- ☒ (Satisfaction) surveys aimed at court staff
- ☒ (Satisfaction) surveys aimed at public prosecutors
- ☒ (Satisfaction) surveys aimed at lawyers
- ☒ (Satisfaction) surveys aimed at citizens (visitors of the court)
- ☐ (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

**42) If yes, please specify:**

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?**

- ☒ Yes
- ☐ No

**44) If yes, please specify:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
High Council of the Judiciary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

**Can you give information elements concerning the efficiency of this complaint procedure?**

Plea against trial delay (Section 114/A in the Act III of 1952 on the Code of Civil Procedure, Section 262/A in the Act XIX of 1998 on the Criminal Procedure). Pleas: Sections 141-143 in the Act XXIX of 2004 on Amendments and Repeals of Legal Regulations and other Legislative Changes Related to Hungary's Accession to the European Union, regulation on the complaints procedure of the National Council of Justice, N° 15/1999. In every year, the National Council of Justice analyses the reasons of delays regarding court proceedings and it adopts administrative provisions against the delays. The plea against delays was introduced by April 1 of 2006, therefore there is not enough information to evaluate the efficiency of it.

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)**

	Total number
First instance courts of general jurisdiction (legal entities)	131
Specialised first instance courts (legal entities)	20
All the courts (geographic locations)	157

**46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

Individual labour/employment disputes are handled through specialized first instance labour courts. Twenty specialized labour courts administer justice in Hungary.

**47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?**

☐ Yes

☒ No

If yes, please specify:

**48) Number of first instance courts competent for a case concerning:**

	Number
a debt collection for small claims	111
a dismissal	20
a robbery	131

**Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):**

Small claims concern disputed amounts under 5 million HUF (20.000 EUR).

**Please indicate the sources for the question 45**

Sources for question 45: the statistical database of the Office of the National Council of Justice.

### 3. 1. 2. Judges, courts staff

**49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)**

2.838

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

	Number
gross figure	0
if possible, in full time equivalent	0

**51) Please specify (answer only if the information has changed compared to the previous evaluation round):****52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):**

There are 4.382 non-professional judges within the Hungarian judiciary.

**53) Does your judicial system include trial by jury with the participation of citizens?**

☐ Yes

☒ No

If yes, for which type of case(s)?

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?****55) Number of non-judge staff who are working in courts (present the information in full time**

**equivalent and for permanent posts)**

7.937

**56) If possible, could you distribute this staff according to the 4 following categories:**

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input checked="" type="checkbox"/> Yes	464
non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	3.264
staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	2.912
technical staff	<input checked="" type="checkbox"/> Yes	1.297

**Please indicate the sources for the questions 49, 50, 52, 53 and 55**

Sources for these questions: the statistical database of the Office of the National Council of Justice.

**3. 1. 3. Prosecutors****57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)**

1.743

**58) Do any other persons have similar duties as public prosecutors?**☒ Yes☐ No

If yes, please specify:

There are cases where private prosecution or supplementary private prosecution is allowed during criminal proceedings.

**59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)**



2.394

**Please indicate the sources for the questions 57 and 59**

Sources: the statistical database of the General Prosecutor's Office

**3. 1. 4. Budget and New technologies****60) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**61) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

The Parliament approves the budget of the courts each year. The detailed budget is approved by the National Council of Justice.

**62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**63) For administration and management, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**64) For the communication between the court and the parties, what are the computer facilities used within the courts?**

	100% of courts	+ 50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?**

- ☒ Yes  
☐ No

If yes, please specify the name and the address of this institution:

Office of the National Council of Justice  
Hungary, 1055-Budapest, Szalay utca 16.

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

**Please indicate the sources for the questions 62, 63 and 64**

Sources: the statistical database of the Office of the National Council of Justice

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Monitoring and Evaluation

**66) Are the courts required to prepare an annual activity report?**

- ☒ Yes  
☐ No

**67) Do you have a regular monitoring system of court activities concerning the:**

- ☒ number of incoming cases?  
☒ number of decisions?  
☒ number of postponed cases?  
☒ length of proceedings (timeframes)?  
☒ other?

Please specify:

The Courts regularly monitor the number of finished and unfinished cases, the pecuniary

value of the amount claimed in court cases and the number of the persons accused in criminal cases.

**68) Do you have a regular system to evaluate the performance of each court?**

- ☒ Yes  
☐ No

Please specify:

The performance of each court is evaluated on the basis of the number of incoming, pending and closed cases, furthermore on the individual assessment of judges working for the court.

**69) Concerning court activities, have you defined performance indicators?**

- ☒ Yes  
☐ No

**70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.**

- ☒ Incoming cases  
☒ Length of proceedings (timeframes)  
☒ Closed cases  
☒ Pending cases and backlogs  
☐ Productivity of judges and court staff  
☐ Percentage of cases that are treated by a single sitting judge  
☐ The enforcement of penal decisions  
☐ Satisfaction of employees of the courts  
☐ Satisfaction of clients (regarding the services delivered by the courts)  
☐ Judicial and organisational quality of the courts  
☐ The costs of the judicial procedures  
☐ Other

Please specify:

**71) Are there performance targets defined for individual judges?**

- ☒ Yes  
☐ No

**72) Are there performance targets defined at the level of the courts?**

- ☒ Yes  
☐ No

**73) Please specify who is responsible for setting the targets:**

- ☐ executive power (for example the Ministry of Justice)  
☐ legislative power  
☒ judicial power (for example a High Judicial Council or a Higher Court)  
☐ other

Please specify

**74) Please specify the main targets applied:**

Performance targets are determined on the basis of the number of incoming, pending and closed cases, as well as on the basis of the length of proceedings. These targets are aimed at individual judges and also at courts.

**75) Which authority is responsible for the evaluation of the performances of the courts:**

- ☒ the High Council of judiciary  
☐ the Ministry of Justice  
☐ an Inspection authority

- ☐ the Supreme Court
- ☐ an external audit body
- ☐ other?

Other, please specify:

**76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- ☒ Yes
- ☐ No

If yes, please specify:

The evaluation of judges' performance is determined by the Act LXVII of 1997 on the Legal Status and Remuneration of Judges. The evaluation shall include an inspection of the material, procedural and administrative aspects of judges' activities. More detailed procedural rules in this matter are laid down in specific regulations issued by the National Council of Justice.

**77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- ☐ Yes
- ☒ No

**78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:**

- ☒ civil cases?
- ☒ criminal cases?
- ☒ administrative cases?

**79) Do you have a way of analysing waiting time during court procedures?**

- ☒ Yes
- ☐ No

If yes, please specify:

Special database management systems allow courts to measure waiting time during

judicial procedures.

**80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

- ☒ Yes  
☐ No

Please specify (including an indication of the frequency of the evaluation):

**81) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

- ☒ Yes  
☐ No

If yes, please specify:

The Prosecutor General is obliged to submit annual reports to the Parliament regarding the evaluation of the prosecution services.

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

**Please indicate the sources for the the question 70,71, 72 and 76**

Sources: the statistical database of the Office of the National Council of Justice

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?**

20,47

**83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

☒ Yes

☐ No

If possible, number of successful challenges (in a year):

4.150

**84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	1	0	25	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	3	0	5	0

**Please indicate the sources for the questions 82 and 84**

Sources for question 82: the statistical database of the Office of the National Council of Justice.

Sources for question 84: the statistical database of the Ministry of Justice and Law Enforcement.

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**85) Are there specific procedures for urgent matters as regards:**

☒ civil cases?

☒ criminal cases?

☒ administrative cases?

If yes, please specify:

Courts hear civil cases in the form of expedited (or) summary procedures in legal actions related to liability for damages caused by judges, in cases concerning bills of exchange, in most lawsuits concerning family affairs and in enforcement proceedings.

Criminal courts hear cases in the form of expedited (or) summary procedures in criminal



cases concerning crimes against minors, in extraordinary remedial procedures, in criminal cases where the accused is under arrest.

Administrative courts hear cases in the form of expedited (or) summary procedures in cases related to the judicial review of administrative decisions concerning family affairs.

86) Are there simplified procedures for:

- ☒ civil cases (small claims)?
- ☒ criminal cases (petty offences)?
- ☒ administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):  
In civil cases concerning small claims, the creditor can request the issuance of a judicial injunction against the debtor in the frame of a simplified non-litigious procedure. If the amount claimed by the creditor does not exceed the sum of 200.000 HUF (800 EUR), the simplified procedure is to be applied automatically.

In criminal cases the courts have the possibility to hear cases in simplified procedures such as the procedure against the absent accused, the renouncement of the trial and the omission of the trial.

In administrative matters the courts administer justice in simplified procedures in cases regarding family law affairs.

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- ☐ Yes
- ☒ No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January	Incoming cases	Decisions	Pending cases on 31
--	----------------------------	----------------	-----------	---------------------

	2006			December 2006
Total of civil, commercial and administrative law cases (1-7)	122691	607254	601006	128939
1 Civil (and commercial) litigious cases*	87739	178338	179317	86760
2 Civil (and commercial) non-litigious cases*	29093	413159	405984	36268
3 Enforcement cases	987	3687	3728	946
4 Land registry cases**	405	1459	1479	385
5 Business register cases**	24022	276013	277493	22542
6 Administrative law cases	5859	15757	15705	5911
7 Other				
Total criminal cases (8+9)	74622	315743	318917	71448
8 Criminal cases (severe criminal offences)	55887	135449	136524	54812
9 Misdemeanour cases (minor offences)	18735	180294	182393	16636

**89) \* The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.**

**\*\* if applicable**

**Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".**

### Explanation

The severe criminal cases are defined by the Act IV of 1978 on the Criminal Code, the misdemeanour cases are defined by the Act LXIX of 1999 on the offences and other laws.

Criminal offences are defined in Section 11 of the Act IV of 1978 on the Criminal Code. Section 11 provides that severe criminal offence is an act of crime perpetrated intentionally and punishable by imprisonment of two or more years. Every other act of crime enumerated in the Criminal Code is a minor criminal offence. Criminal offences are punishable by imprisonment, community service work or fines, as well as by some ancillary punishments.

Misdemeanour offences are dealt with in administrative law procedure, therefore misdemeanour offences are not regarded as acts of crime. The misdemeanour cases are defined by the Act LXIX of 1999 on the offences and other laws. Sanctions for the perpetrators of such offences are of administrative nature.

**90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)**

Total of civil, commercial and administrative law cases (1-7)	9789	39989	39375	10403
1 Civil (and commercial) litigious cases*	6995	23690	23246	7493
2 Civil (and commercial) non-litigious cases*	2428	15413	15202	2639

3 Enforcement cases	118	543	517	144
4 Land registry cases**				
5 Business register cases**	10	12	21	1
6 Administrative law cases	366	886	927	325
7 Other				
Total criminal cases (8+9)	6044	34443	33993	6494
8 Criminal cases (Severe criminal offences)	6020	33926	33469	6477
9 Misdemeanour cases (minor offences)	24	517	524	17

**91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	1277	6146	5838	1585
1 Civil (and commercial) litigious cases*	716	4580	4503	793
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	561	1566	1335	792
7 Other				
Total criminal cases (8+9)	161	1420	1397	184
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

**92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)**

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	14101	35561	35705	14357
Employment dismissal cases	3277	4823	5006	3094
Robbery cases			1612	
Intentional homicide case			158	

**93) Average length of proceedings (from the date of lodging of court proceedings)**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases	3,19				
Employment dismissal cases					
Robbery cases					
Intentional homicide					

**94) Where appropriate, please specify the specific procedure as regards divorce:**

Specific procedural provisions govern divorce cases as provided by Sections 276-291 of Chapter XV of the Civil Procedure Code. Divorce action can be initiated by the husband or wife, regardless any faulty behavior on behalf of either of the parties. Therefore, fault grounds are not required to be indicated in the divorce action. The court can decide to dissolve the marriage, if it is proven that the matrimonial life between the spouses has completely and irreparably deteriorated. The court is obliged to seek friendly settlement between the parties and also obliged to give high priority to the interests of the child(ren) involved in the case. The court can include decisions on child custody, child support, spousal support, a division of marital property, a determination of separate property, exclusive possession of the marital residence in its judgement even if the parties have not demanded to court to do so. The court can order ex officio the taking of additional evidences, which is relatively rare in other civil proceedings. Specific rules exist as regards legal remedies to judgements in divorce cases, e.g. the reopening of the case is prohibited.

**95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)**

The time is calculated from the qualified registration of the case, suspension and pause are not included.

**96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):**

- ☒ to conduct or supervise police investigation?
- ☒ to conduct investigation?
- ☒ when necessary, to demand investigation measures from the judge?
- ☒ to charge?
- ☒ to present the case in the court?
- ☒ to propose a sentence to the judge?
- ☒ to appeal?
- ☒ to supervise the enforcement procedure?
- ☒ to end the case by dropping it without the need for a judicial decision?
- ☐ to end the case by imposing or negotiating a penalty without a judicial decision?
- ☒ other significant powers?

Please specify:

The prosecutor in the criminal procedure disposes of some other significant powers such as to appeal to the third instance court, to submit a petition for review of the case, to submit a petition for the reopening of the case, to use remedy in favour of legality and to participate in special and simplified criminal procedures.

**97) Does the prosecutor also have a role in civil and/or administrative cases?**

- ☒ Yes
- ☐ No

If yes, please specify:

According to the Code of Civil Procedure, prosecutors can initiate civil proceedings if the person concerned is incapable of acting in his/her own interests.

Prosecutors also play an important role in exercising general legal supervision regarding administrative acts.

**98) Functions of the public prosecutor in relation to criminal cases – please complete this table:**

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	149749		29810			76835

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

**Please indicate the sources for the questions 92 to 94 and question 98**

Sources: the statistical database of the General Prosecutor's Office

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recrutement, nomination and promotion

#### 99) How are judges recruited?

- ☒ Through a competitive exam (for instance after a law degree)?
- ☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☐ A combination of both
- ☒ Other

If other, please specify:

Candidates for trainee judgeship were invited to apply for the post via the president of the chosen court. However, the recruitment system is currently undergoing some important modifications, thus the Hungarian Academy for the training of judges will play a monopolic role in the recruitment of trainee judges.

Candidates for judgeship are invited to submit their applications to president judge of the chosen court who shall transmit the applications, upon proposal of the National Council of Justice, to the President of the Republic. The President of the Republic shall appoint the judges.

#### 100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- ☐ an authority composed of judges only?
- ☐ an authority composed of non-judges only?
- ☒ an authority composed of judges and non-judges?

#### 101) Is the same authority competent for the promotion of judges?

- ☐ Yes
- ☒ No

If no, please specify which authority is competent for promoting judges:

Depending on the post to be filled, candidates shall submit their applications to the president of the cour concerned or to the National Council of Justice.

**102) Which procedures and criteria are used for promoting judges? (please specify).**

Promotions consist in obtaining court executive positions within the judiciary.

Court executive positions shall be filled by way of tender unless otherwise prescribed by legal provisions. Tender notices shall be published by the competent authority (the president judge or the National Council of Justice).

Tender documents shall specify all requirements for the executive position to which they pertain.

**103) How are prosecutors recruited?**

☐ Through a competitive exam? (for example after a law degree)

☐ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?

☐ A combination of both

☒ Other

If other, please specify:

Candidates for trainee prosecutorship and for prosecutorship shall submit their applications to the Prosecutor General who shall appoint them.

**104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

☒ an authority composed of prosecutors only?

☐ an authority composed of non-prosecutors only?

☐ an authority composed of prosecutors and non-prosecutors?

**105) Is the same authority formally responsible for the promotion of prosecutors?**

☒ Yes

☐ No

If no, please specify which authority is competent for promoting prosecutors.

**106) Which procedures and criteria are used for promoting prosecutors (please specify)**

Promotions consist in obtaining prosecution executive positions within the prosecutorial system.

Prosecution executive positions shall be filled by way of tender.

Tender notices shall be published by the Prosecutor General.

Tender documents shall specify all requirements for the executive position to which they pertain.

**107) Is the mandate given for an undetermined period for judges ?**

☒ Yes

☐ No

Are there exceptions? Please specify:

The first appointment of judges is usually for a limited period of 3 years, which after a mandate is given for an undetermined period. In special cases even the first appointment can be valid for an unlimited period.

**108) Is the mandate given for an undetermined period for prosecutors?**

☒ Yes

☐ No

Are there exceptions? Please specify:

The first appointment of prosecutors is usually for a limited period of 3 years, which after a mandate is given for an undetermined period. In special cases even the first appointment can be valid for an unlimited period.

**109) If no, what is the length of the mandate?**

**Is it renewable?**

for judges

☐ yes, please  
specify the  
length

for prosecutors

☐ yes, please  
specify the  
length

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

## 5. 1. 2. Training

**110) Nature of the training of judges.**



**Is it compulsory?**

- ☒ Initial training
- ☒ General in-service training
- ☒ In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- ☒ In-service training for management functions of the court (e.g. court president, court managers)
- ☒ In-service training for the use of computer facilities in the court

**111) Frequency of the training of judges:**

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**112) Nature of the training of prosecutors.****Is it compulsory?**

- ☒ Initial training
- ☒ General in-service training
- ☒ Specialised in-service training (e.g. specialised public prosecutor)
- ☒ In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- ☒ In-service training for the use of computer facilities in the public prosecution service

**113) Frequency of the training of prosecutors:**

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human

**Rights and the case law of the Court****- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years**

As a result of long lasting preparatory works on behalf of the National Council of Justice, the Hungarian Judicial Academy opened its gates on the 1st of September 2006 with the task to provide initial training for trainee judges and to provide general, as well as special in-service training for judges, court executives and court employees. The Judicial Academy organizes compulsory and optional seminars to help judges and other court staff members to get familiarized with both national and community law.

Meanwhile, as a result of an order issued by the Prosecutor General in 2005, the Hungarian Training Center for Prosecutors started to operate the 1st of January 2006, having mainly the same tasks as those of the Judicial Academy regarding the initial training of trainee prosecutors and the in-service training of prosecutors and prosecution service employees.

**5. 2. Practice of the profession****5. 2. 1. Salaries****114) Salaries of judges and prosecutors (complete the table)**

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	30430	13789
Judge of the Supreme Court or the Highest Appellate Court	42154	19119
Public prosecutor at the beginning of his/her career	30430	13789
Public prosecutor of the Supreme Court or the Highest Appellate Instance	42154	19119

**115) Do judges and public prosecutors have additional benefits?**

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**116) If other financial benefit, please specify:**

Judges and prosecutors have additional benefits such as refund of dressing expenses, meal contribution, work bonus, on-duty bonus, housing allowances, resettlement assistance, social and schooling aid, family support, vacation contribution, scholarship, aid for training, contribution for life and pension, supplementary insurance.

**117) Can judges combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**118) If other function, please specify:**

Judges can also combine their work with artistic and design activities.

**119) Can prosecutors combine their work with any of the following other professions?**

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**120) If other function, please specify:**

Prosecutors can also combine their work with artistic and design activities.

**121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?**

☐ Yes

☒ No

If yes, please specify:

**Please indicate the source for the question 114**

Sources: the statistical database of the Office of the National Council of Justice

## 5. 2. 2. Disciplinary procedures

**122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

In the event of any allegation of professional misconduct by a judge, disciplinary proceedings shall be initiated:

1. by the National Council of Justice in case of court executives who fall within the appointment authority of the National Council of Justice,
2. by the president judge of the court at which the affected judge administers justice.

In the event of any allegation of professional misconduct by a prosecutor, disciplinary proceedings shall be initiated by the chief prosecutor under whom the prosecutor fulfills his/her tasks.

**123) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

Disciplinary tribunals have the disciplinary power on judges. The tribunals operate at county court level or at appeal court level as first instance disciplinary authorities.

Disciplinary tribunals also operate at the Supreme Court as first or second instance authorities.

A disciplinary tribunal consists of a three-member panel (the president judge and two judges as disciplinary arbitrators).

Chief prosecutors dispose of direct disciplinary powers without requiring the assistance of a special panel. However, the chief prosecutor can mandate an investigation officer for the preparation of the disciplinary proceedings.

**124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated**

	Judges	Prosecutors
Total number (1+2+3+4)	14	5
1. Breach of professional ethics	6	3
2. Criminal offence		
3. Professional inadequacy	8	
4. Other		2

**125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced**

	Judges	Prosecutors
Total number (total 1 to 9)	9	5
1. Reprimand	6	3
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary	2	2
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal	1	
9. Other		

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors

**and the main reforms that have been implemented over the last two years**

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

#### 126) Total number of lawyers practising in your country

9850

#### 127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- ☐ Yes  
☒ No

#### 128) Number of legal advisors?

no data

#### 129) Do lawyers have a monopoly of representation:

- ☒ Civil cases\*  
☒ Criminal cases - Defendant\*  
☐ Criminal cases - Victim\*  
☐ Administrative cases\*

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

Lawyers have a monopoly of representation in civil cases before the appeal courts and the Supreme Court, but not before local and county courts.

Lawyers as defendants have a monopoly of representation in criminal cases during the whole length of criminal proceedings.

Victims of criminal cases can be represented by their family members.

The parties to administrative proceedings can be represented by any person having the mandate of the parties.

#### 130) Is the lawyer profession organised through:

- ☒ a national Bar?  
☐ a regional Bar?  
☒ a local Bar?

Please specify:

There are 20 local bars and the National Bar.

**Please indicate the source for the question 126**

Register of the National Bar

#### 6. 1. 2. Training

**131) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- ☐ Yes  
☒ No

**132) Is there a mandatory general system for lawyers requiring continuing professional training?**

- ☐ Yes  
☒ No

**133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

- ☒ Yes  
☐ No

If yes, please specify:

Certain branches of law require a postgraduate training at the Postgraduate Training Institute of Law. After the completion of a specific four-semester-long training and the subsequent passing of an exam, a professional certificate is granted.

Q131.

Candidates with a law degree can apply for different positions requiring legal skills such as prosecutor trainee, judge trainee, junior attorney at law (candidate lawyer), junior legal counsel or legal assistant in the public or private sector. No specific initial training or examination is needed to get a post as a candidate lawyer, meanwhile in other fields specific entry examination has recently been introduced, e.g. for judge and prosecutor trainees. After the expiry of an average three-year-long training period in the practice, lawyers as well as other legal professionals are required to pass their professional exams in order to obtain a fully qualified legal status

#### 6. 1. 3. Fees

**134) Can users establish easily what the lawyers' fees will be?**

- ☐ Yes  
☒ No

**135) Are lawyers fees:**

- ☐ regulated by law?
- ☐ regulated by the Bar association?
- ☒ freely negotiated?

**6. 2. Evaluation****6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- ☒ Yes
- ☐ No

**137) If yes, who is responsible for formulating these quality standards:**

- ☒ the Bar association?
- ☐ the legislature?
- ☐ other?

Please specify (including a description of the quality criteria used):

The quality standards are regulated by the Code of Ethics.

The quality criteria impose the respect of the principles laid down in the Act on Attorneys at Law, such as the freedom and independence of the professional activities of an attorney, the freedom to choose a client or a legal representative, the principles of confidentiality and financial liability.

**138) Is it possible to complain about :**

- ☒ the performance of lawyers?
- ☐ the amount of fees?

Please specify:

The complaint about the performance of a lawyer have to be submitted to the territorially competent local bar association.



**139) Which authority is responsible for disciplinary procedures:**

- ☐ the judge?
- ☐ the Ministry of Justice?
- ☒ a professional authority or other?

Please specify:

A disciplinary tribunal formed in the first instance from the local bar association's disciplinary committee, and in the second instance from the disciplinary committee of the National Bar Association shall conduct the disciplinary proceedings against lawyers.

**140) Disciplinary proceedings and sanctions against lawyers:****Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	no data	no data	no data	no data

**141) Disciplinary proceedings and sanctions against lawyers:****Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	no data	no data	no data	no data	no data

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:**

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**143) Is there a possibility to receive legal aid for mediation procedures?**

☐ Yes

☒ No

If yes, please specify:

**144) Can you provide information about the number of accredited mediators?**

☒ Yes

☐ No

If yes, please provide the number of mediators:

1.207

**145) Can you provide information about the total number of judicial mediation procedures concerning:**

civil cases?

☒ yes,  
number:

1.131

family cases?

☐ yes,  
number:

administrative cases?

☐ yes,  
number:

employment dismissals?

☐ yes,  
number:

criminal cases?

☒ yes,  
number: 1.822**Please indicate the source for the question 145**

Source: the statistical database of the Ministry of Justice and Law Enforcement

**7. 1. 2. Other forms of alternative dispute resolution****146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:**

Hungary's legal system provides for the better known types of alternative dispute resolution (ADR), so parties can try to settle disputes via arbitration or mediation instead of going to court.

In the Hungarian legal system, legal regulations at different levels - mainly Parliamentary Acts - govern alternative dispute resolution. They are set out below.

**1. Arbitration procedure**

Under Act LXXI of 1994 on Arbitration, the arbitration procedure can be used instead of court proceedings if (a) at least one of the parties is a person professionally engaged in economic activities to which the legal dispute relates (if this is not the case, ad hoc or permanent arbitration may also be decided on if allowed by the law), (b) if the parties can freely decide on the subject of the procedure, and (c) if arbitration proceedings were provided for by the parties in a written arbitration contract. The law may exclude the resolution of legal disputes by means of arbitration, and in certain types of civil actions arbitration cannot be used.

Arbitrators must be independent and impartial, they may not be representatives of the parties. Arbitrators may not accept orders in the course of the proceedings and must maintain complete confidentiality in respect of the facts that come to their knowledge, even after the proceedings have ended. In the case of the permanent court of arbitration, the arbitrators must declare all this in writing on being elected/appointed. Unless otherwise provided by the law, the permanent court of arbitration attached to the Hungarian Chamber of Commerce and Industry (based at 1055 Budapest, Kossuth tér 6-8) acts as the permanent court of arbitration in international cases.

**2. Act I of 2004 on Sport establishing the Permanent Court of Arbitration for Sport**

In certain sports-related cases and if the parties so request, the Permanent Court of Arbitration for Sport endeavours to bring about agreement. The cases concerned are primarily legal disputes between sport associations and their members, disputes between sport association members regarding their sports association-related activities, and disputes between sport associations/organisations or sportspeople and sports experts. The Permanent Court of Arbitration for Sport operates under the authority of the National Sports Association. The Presidium elects its President and at least 15 members for a term of four years from among lawyers with special legal qualifications and at least five years' legal practice in the field of sports. The Presidium elects two members of the Permanent Court of Arbitration for Sports upon the recommendation of the Hungarian Olympic Committee.

With the exceptions provided for by the law, the provisions of Act LXXI of 1994 on Arbitration apply to the procedure followed by the Permanent Court of Arbitration for Sports.

**3. Mediation**

Under Act LV of 2002 on Mediation, the parties (natural persons, legal persons, business entities without legal personality, other organisations) to a civil dispute connected with their personal and pecuniary rights may, if they so agree and if the law does not limit their right of disposition, use a mediation procedure to seek resolution. They may initiate such a procedure by calling on the services of a mediator. The Act specifies the range of civil legal actions in which mediation is not possible and where its provisions cannot apply to mediation and conciliation proceedings governed by other acts or to mediation in arbitration proceedings. The Ministry of

Justice publishes the register of mediators on its website: [www.im.hu](http://www.im.hu).

#### 4. Mediation in healthcare

Under Act CXVI of 2000 on Mediation in Healthcare, a mediation procedure may be used to achieve the out-of-court resolution of legal disputes concerning service provision by healthcare providers to patients and to ensure fast and effective enforcement of the parties' rights. The parties must submit their mediation request to the regional chamber of judicial experts located nearest to the patient's home or to the place where the healthcare services concerned are provided. The healthcare provider must make the register of regional chambers of judicial experts public in an accessible manner. The register of healthcare mediators is kept by the Hungarian Chamber of Judicial Experts (1027 Budapest, Bem rakpart 33-34., I. 122.).

#### 5. Mediation in matters of child protection

Under the 2003 amendment to Decree No. 149/1997 (IX. 10.) Korm. on child welfare agencies, child protection and child welfare administration, mediation in child protection matters was introduced from 1 January 2005 in cases where the parents or other persons authorised to maintain relations cannot agree on the manner or time of contact. Mediation in child protection matters can be initiated on the basis of a joint application by the parties to a child protection mediator. The register of child protection mediators is kept by the National Institute of Family and Social Policy. The register can be inspected in the official premises of the Court of Guardians and of the child welfare services.

#### 6. Conciliatory corporate proceedings

a. The Labour Mediation and Arbitration Service established under Act XXII of 1992 on the Labour Code serves primarily to resolve collective labour-related disputes. This body carries out three activities: conciliation, mediation and arbitration. The body's mediation services can also be used to resolve private labour disputes, but the law does not make this compulsory for the parties concerned.

b. To enforce consumer rights, Act CLV of 1997 on Consumer Protection established conciliation bodies attached to the regional economic chambers. The conciliation bodies deal primarily with the out-of-court settlement of consumer disputes relating to the application of rules on the quality and safety of goods and services and product liability, and to the conclusion and implementation of contracts. The aim of the Conciliation Body procedure is to settle disputes between consumers and undertakings by agreement, and failing this to reach a ruling in the interests of enforcing consumers' rights quickly, effectively and simply. The bodies have no jurisdiction in disputes for which a rule establishes the competence of some other authority. Conciliation proceedings are initiated at the request of the consumer or, in the case of more than one consumer and with the authorisation of those concerned, of the civil organisation representing consumer interests.

**You can indicate below:**

- any useful comments for interpreting the data mentioned above**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

#### 147) Number of enforcement agents

197

#### 148) Are enforcement agents:

☐ judges?

☒ bailiff practising as private profession ruled by public authorities?

☐ bailiff working in a public institution?

☐ other enforcement agents?

Please specify their status:

#### 149) Is there a specific initial training or examination to enter the profession of enforcement agent?

☒ Yes

☐ No

#### 150) Is the profession of enforcement agent organised by?

☒ a national body?

☐ a regional body?

☐ a local body?

#### 151) Can users establish easily what the fees of the enforcement agents will be?

☒ Yes

☐ No

#### 152) Are enforcement fees:

☒ regulated by law?

☐ freely negotiated?

**Please indicate the source for the question 147**

Source: the Hungarian Chamber of Judicial Officers

**8. 1. 2. Supervision**

**153) Is there a body entrusted with the supervision and the control of the enforcement agents?**

☒ Yes

☐ No

**154) Which authority is responsible for the supervision and the control of enforcement agents:**

☒ a professional body?

☐ the judge?

☒ the Ministry of Justice?

☐ the prosecutor?

☐ other?

Please specify:

**155) Have quality standards been formulated for enforcement agents?**

☒ Yes

☐ No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

Act LIII of 1994 on Judicial Execution, as well as numerous decrees issued by the Minister of Justice regulate all fields of enforcement agents' activities and set all necessary quality standards. Quality criteria are determined by different legal sources.

**156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?**

- ☐ Yes  
☒ No

If yes, please specify:

There is no debtor-based differentiation of enforcement mechanisms.

**Please indicate the sources for the questions 155 and 156**

Sources: the Hungarian Chamber of Judicial Officers

### 8. 1. 3. Complaints and sanctions

**157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)**

- ☐ no execution at all?  
☐ non execution of court decisions against public authorities?  
☐ lack of information?  
☒ excessive length?  
☒ unlawful practices?  
☒ insufficient supervision?  
☐ excessive cost?  
☐ other?

Please specify:

1. unlawful partices
2. excessive length
3. insufficient supervision

**158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

☐ Yes

☒ No

If yes, please specify:

Amendments of the enforcement law are drafted on a regular basis, however, no special regulations are currently being prepared as regards decisions against public authorities.

**159) Is there a system measuring the timeframes of the enforcement of decisions:**

☒ for civil cases?

☐ for administrative cases?

**160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:**

☐ between 1 and 5 days

☐ between 6 and 10 days

☒ between 11 and 30 days

☐ more

Please specify:

**161) Disciplinary proceedings initiated against enforcement agents:**

Breach of professional ethics

☐ yes,  
number:

Professional inadequacy

☒ yes,  
number:

2

Criminal offence

☐ yes,  
number:

Other

☐ yes,  
number:



**162) Sanctions pronounced against enforcement agents:**

Reprimand	<input checked="" type="checkbox"/> yes, number:	1
Suspension	<input type="checkbox"/> yes, number:	
Dismissal	<input type="checkbox"/> yes, number:	
Fine	<input checked="" type="checkbox"/> yes, number:	1
Other	<input type="checkbox"/> yes, number:	

**You can indicate below:**

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

**Please indicate the sources for the questions 157 and 160**

Sources: the Hungarian Chamber of Judicial Officers

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**163) Is there a judge who is in charge of the enforcement of judgments?**

☒ Yes

☐ No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

The so called penalty enforcement judges have both initiative and control functions regarding the enforcement of criminal sanctions such as imprisonment, community service work and other additional penalties.

**164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

☒ Yes

☐ No

If yes, please specify:

Szima Mária Dancsné: The fine in the spot in the Hungarian legal system (In Magyar Közigazgatás 7-8/2000.)

**You can indicate below:**

- any useful comments for interpreting the data mentioned above**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

**165) Do you have notaries in your country? If no, go to question 170.**

- ☒ Yes  
☐ No

**166) Is the status of notaries:**

- |   |   |     |
|---|---|-----|
| a private one (without control from public authorities)?    | <input type="checkbox"/> yes,<br>number:                |     |
| a status of private worker ruled by the public authorities? | <input checked="" type="checkbox"/> yes,<br>number:     | 313 |
| a public one?   | <input type="checkbox"/> yes,<br>number:                |     |
| other?  | <input type="checkbox"/> yes,<br>number and<br>specify: |     |

**167) Do notaries have duties:**

- ☒ within the framework of civil procedure?  
☒ in the field of legal advice?  
☒ to authenticate legal deeds?  
☐ other?

Please specify:

Act XLI of 1991, Section 1, Paragraph 3: The notary public shall conduct probate action and other out-of-court proceedings assigned to his/her powers.

The notary public may provide legal consulting services only in procedures assigned to his/her powers.

Act XLI of 1991, Section 1, Paragraph 2: The notary public prepares public documents about contracts and facts of legal significance, keeps legal documents, accepts money, valuables and securities at the order of the parties in order to deliver them to the obligee and helps the parties to exercise their rights and to fulfill their obligations by counseling, while assuring equal opportunities for all parties.

**Please indicacte the source for the question 166**

Source: the Hungarian Chamber of Notaries Public

#### 9. 1. 2. Supervision

**168) Is there an authority entrusted with the supervision and the control of the notaries?**

☒ Yes

☐ No

**169) Which authority is responsible for the supervision and the control of the notaries:**

☒ a professional body?

☒ the judge?

☒ the Ministry of Justice?

☐ the prosecutor?

☐ other?

Please specify:

According to Act XLI of 1991, Section 48, the presidential boards of the five territorial chambers of public notaries have the exclusive responsibility to supervise the operations, official duties and behaviour of notaries public, notary public candidates and deputy notaries public belonging to the territorial chamber.

Furthermore, judges supervise the notaries' operation in notarial non-litigious and other proceedings on the basis of Chapter XIII of the Act XLI of 1991.

Pursuant to Act XLI of 1991, Section 15/A, the Minister of Justice exercises judicial supervision over the operation of the organs of notary public self-government.

**You can indicate below:**

**- any useful comments for interpreting the data mentioned above**

**- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

In Hungary all activities of the notary public are fully authority activities. The notary public may not prepare private deeds, undertake representation, these being incompatible with the authority nature of his/her activities.

In contrast with the practice of most Western European countries, the exclusive powers of notaries apply to a very narrow scope. A tariff system defined by the law is an essential condition for the provision of unbiased, independent legal services of public authenticity.

## 10. Functioning of justice

### 10. 1. Foreseen reforms

#### 10. 1. 1. Reforms

**170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.**

In respect of the court system no significant reforms are on the agenda since reforms have already been implemented in the past decade.

In respect of the courts widespread discussions are conducted about how proceedings could be speeded up and what procedures could be conducted in electronic form. Namely:

1. After the introduction of electronic company registration the feasibility of conducting other procedures in electronic form is also examined.
2. Examination of the possibility of speeding up civil proceedings.

Examination of the possibility of increasing the number of personnel, including court clerks (which, naturally, entails budgetary consequences) providing support to judges in their work. Examination of the possibility of widening the scope of tasks performed by court clerks.