COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

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 (if possible on 1 January 2013)

9 908 798

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	51 573 528 468
Regional / federal entity level (total for all regions / federal entities)	NAP

3) Per capita GDP (in €)

9 800

4) Average gross annual salary (in €)

9 137

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

292,96 HUF

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

1) Hungarian Central Statistic Office (Központi Statisztikai Hivatal)
http://www.ksh.hu/?lang=en
2) Act CLXXXVIII of 2011 on State's budget of the year 2012
3) http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do
4) Hungarian Central Statistic Office (Központi Statisztikai Hivatal)
http://www.ksh.hu/docs/hun/xftp/gyor/let/let21212.pdf
http://www.ksh.hu/docs/hun/xstadat/xstadat_evkozi/e_qli029.html
5) Central Bank of Hungary (Magyar Nemzeti Bank)

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	☑ Yes	325 687 695
1. Annual public budget allocated to (gross) salaries	☑ Yes	235 373 000
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	☑ Yes	1 195 000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	☑ Yes	14 426 154
4. Annual public budget allocated to court buildings (maintenance, operating costs)	☑ Yes	27 507 000
5. Annual public budget allocated to investments in new (court) buildings	☑ Yes	7 692 308
6. Annual public budget allocated to training and education	☑ Yes	318 785
7. Other (please specify):	☑ Yes	39 175 448

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

Q6 In 2014 annual public budget allocated to investments in new (court) buildings will be 26590660€

8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Act XCIII of 1990on Duties
Duty Allowances in Court Proceedings
Exemptions
Section 56
(1) The persons granted exemption from charges pursuant to specific other legislation, or exemption from duty in accordance with this Act may not be required to pay duties. Personal duty exemption shall not apply to the successor in title of the party in question.
(2) The provisions on duty exemption shall also apply to an intervening party.
(3) Copies of records or other documents prepared by the court for ad hoc conservators and for curators ad litem shall be free of duty.
(4) Court mediation shall be free of duty.
(5) Non-contentious proceedings for the review of unlawful municipal decrees, and non-contentious proceedings opened in connection with a municipal government's failure to discharge its legislation obligation shall be free of duty.
Section 57
(1) The following shall be exempt from duty in civil cases:
a)
b) proceedings for remedy instituted against decisions in cases of exemption from charges and rights for the suspension of payment of duty;
c) in actions for divorce, the counter-action lodged with regard to the marriage;
d) proceedings related to the declaration of death or for having the death registered, if disappearance or death took place in consequence of an event of war or natural disaster;
e) proceedings for the registration of foundations, public foundations, associations, public bodies, European groupings of territorial cooperation, furthermore, proceedings for the registration of ESOP organizations established in accordance with Act XLIV of 1992 on the Employee Stock Ownership Plan;
f) petitions for the removal of wound-up firms from the register, including the petitions lodged in simplified dissolution procedures with the name of the receiver indicated;
g) petitions for the correction, and/or supplementation of resolutions;
h) proceedings related to the electoral roll;
i) proceedings related to changes notified upon being registered in the register of legal counsels;
j) appeals against resolutions prescribing transfer;
k) judicial review of administrative decisions adopted in indemnification cases;
l) tax consolidation procedures of municipal governments;
m) proceedings initiated by independent court bailiffs in connection with judicial enforcement proceedings;
n) proceedings instituted on the basis of favorable decision by the Constitutional Court;
o) any lawsuit in connection with the protection of personal data and access to information of public interest;
p) the judicial review of an administrative decision for the authorization of legal aid;
r) non-judicial proceedings for the review of resolutions for preliminary injunction or a temporary restraining order, or preventive injunction granted pursuant to specific other legislation in connection with domestic violence;
s) the judicial review of an administrative decision adopted concerning aid to crime victims.
t) proceedings for the declaration of enforceability in Hungary under Council Regulation (EC) No. 44/2001, Council Regulation (EC) No. 2201/2003 and Council Regulation (EC) No. 4/2009;
u) court procedures for the issue of certificates, guarantees and extracts under Section 31/C of Act LIII of 1994 on Judicial Enforcement.
v) procedures for forwarding maintenance claims to the central authority in matters relating to maintenance obligations having cross-border implications.
(2) The following shall be exempt from duty in criminal proceedings:
a) in the proceedings described in Subsection (1) of Section 52, the appeal, petition for reopening the case and motion for review filed by the defendant and the defense counsel;
b) the proceedings described in Subsection (1) of Section 52, if the court dismisses the case prior to the commencement of personal hearing, or if the case is dismissed due to clemency;
c) the petition described in Subsection (2) of Section 54 if submitted by the defendant or the defense counsel;
d) the proceeding for the authorization of personal exemption from charges;
e) the one-time provision of copies of documents specified in Subsection (2), Paragraph a) of Subsection (5), Subsection (6) and Subsection (10) of Section 70/B of Act XIX of 1998 on Criminal Procedure to the defendant, the defense attorney or the legal representative of a minor who has been accused of a crime;
f) a copy of the accusation report provided to the accuser.
Reduced Duty
Section 58
(1) The duty shall be 10 per cent of the duty on judicial proceedings:
a) if the plaintiff withdraws his claim during the first hearing;
b) if the legal action is declared suspended during first hearing, and is dismissed as a result of suspension;
c) if the defendant acknowledges the claim during the first hearing, or satisfies the claim prior to the first hearing;
d) if the parties reach a settlement during the first hearing;
e) if the parties jointly file for dismissal during the first hearing.
f) if the court ex officio rejects the petition therefor without the issue of a subpoena, without investigation in merito in non-contentious proceedings, or without conducting an insufficient data procedure in respect of company registration; or if the legal action is dismissed on the basis of Paragraph a) of Section 157 of the CPC;
(2) The duty shall be 30 per cent of the duty on judicial proceedings for a case dismissed by suspension following the first hearing, or due to the plaintiff's withdrawal, or if jointly requested by the parties.
(3) The duty shall be 50 per cent of the duty on judicial proceedings, if a settlement is concluded following the first hearing. If the parties engaged in a mediation process governed in specific other legislation after the first hearing, and the court has approved the resulting settlement, 50 per cent of the normal court costs of judicial proceedings shall be reduced by the mediator's fees, including value added tax, not to exceed 50,000 forints, provided that the mediation process is not precluded by law; in either case, the amount of duty payable may not be less than 30 per cent of the duty chargeable for judicial proceedings.
(4) If a legal action is dismissed by suspension, the court shall order the party initiating the proceedings to pay the duty.

(5) The provisions of Paragraph a) of Subsection (1) shall be duly applied in non-judicial proceedings, if withdrawal takes place prior to the announcement of the court's ruling on the merits of the case. In respect of the proceedings mentioned in Paragraph c) of Subsection (1) of Section 42, and of the judicial proceedings opened upon an order for payment procedure [second sentence of Subsection (2) of Section 42], provided that the conditions therefor are otherwise satisfied, the obligation of reduction shall apply only to the duty supplemented pursuant to Subsection (2) of Section 42.
(6) The provisions of Subsections (1)-(2) shall apply to the duty on civil claims enforced in criminal proceedings.
(7) In respect of an appeal or petition for court review, 10 per cent of the duty on appeal or petition for court review filed in civil and criminal proceedings shall be charged, if it is withdrawn prior to the commencement of the trial by the court of jurisdiction, or if withdrawn prior to the date of judgment out-of-court.
(8) The provisions of Subsections (2), (3) and (7) shall apply to the duty on cross-appeals. If the appeal is withdrawn by the submitting party following the commencement of the trial, the party submitting the cross-appeal shall only pay 10 per cent of the procedural fee.
(9) If the parties engaged in a mediation process governed in specific other legislation before the civil proceedings, the normal costs of the proceedings shall be reduced by the mediator's fees, including value added tax, that was paid by the party liable for the duty payable, not to exceed 50,000 forints, however, the amount of duty payable may not be less than 50 per cent of the normal rate of duty. No allowance may be granted if:
a) the mediation process is precluded by law, or
b) in spite of having reached a settlement agreement in the mediation process, either of the parties files charges at the court regarding the dispute settled by the said agreement, except if the charges are filed solely for the purpose of enforcement of the agreement.
(10) The procedural fee shall be 50 per cent of the normal rate of duty, if an evidentiary hearing was conducted prior to the civil action before a notary public or a court.
Right for the Suspension of Payment of Duties
Section 59
(1) Persons who have been granted the right for the suspension of payment of duties shall be exempt from the advance payment of duties. In such cases the duty shall be paid by the party so ordered by the court.
(2) The provisions on the right for the suspension of payment of duties shall also apply to intervening parties.
Section 60
(1) If advance payment of a duty is likely to impose an unreasonable burden on a person in light of his income and financial situation, such person may be granted exemption from the advance payment of duty, particularly if the amount of such duty exceeds 25 per cent of the taxable per capita income of the party and his spouse, and their dependent children living in the same household.
(2) Curators ad litem and ad hoc conservators appointed by the guardian authority , as well as parties in the interest of whom the public prosecutor or an authorized organization filed for legal action for the purpose of the enforcement of a due claim, shall be entitled to the right for the suspension of payment of duties.
Section 61
(1) A person who is to be supported by his/her parents, or who lives together with his/her spouse may only be granted the right for the suspension of payment of duties if the conditions thereof exist both in respect to such person and to the persons living together with him/her.
(2) A person whose litigation appears in bad faith or is likely to fail, may not be granted the right for the suspension of payment of duties, even if such person acts as an assignee, and there is reason to believe that the aim of the assignment was to render litigation with the benefit of the right for the suspension of payment of duties possible.
(3) The benefit of litigation with the right for the suspension of payment of duties may be granted to third country nationals described in the Act on the Admission and Right of Residence of Third-Country Nationals only by virtue of an international convention signed by the State of Hungary, or in the event of reciprocity. As to whether reciprocity applies shall be determined by the minister in charge of the judicial system.
(4) No right for the suspension of payment of duties may be permitted:
a) in connection with actions filed for divorce;
b) in company registration proceedings;
c) in the proceedings described in Section 54.
Section 62
(1) The parties shall be entitled to the right for the suspension of payment of duties, irrespective of their income and financial conditions:
a) in labor disputes, if instituted in connection with damages caused by willful or grave negligence of an employee or with the liability of an executive employee for damages in accordance with the provisions of civil law; furthermore, in respect to the part in excess of the amount due by law in actions for severance pay, if it is more than twenty-times of the minimum wage;
b) in claims for compensation for damages in connection with any injury caused to the life, physical integrity or health, or to the financial assets of a person, when the life, physical integrity or health of the person was also put in jeopardy;
c) in claims for compensation for damages originating from criminal offenses, not including any injury to the life, physical integrity or health of another person, and infractions;
d) in domestic proceedings, with the exception of actions for divorce, as well as pecuniary claims awarded in domestic proceedings;
e) in suits for the termination of the right of bearing a name;
f) in actions in connection with the protection of persons under civil law;
g) in actions for compensation for damages caused within administrative authority;
h) in proceedings for the review of administrative resolutions;
i) in liquidation proceedings opened in connection with wages and other emoluments owed under contract of employment and in court proceedings instituted by a temporary administrator, liquidator or financial trustee under bankruptcy proceedings or liquidation proceedings, and in the debt consolidation proceedings of municipal governments;
j) in civil court and non-judicial (enforcement) proceedings instituted in connection with inventions, utility models, innovations, industrial design rights, topographies, know-how, and/or assistants' fee by inventors of inventions and utility models, innovators, authors of industrial designs and topographies, as well as assistants;
k) in proceedings instituted by housing cooperatives against their members or non-member owners, and condominium associations against their owners for the refund of operational, renovation or common maintenance costs;
l) in legal actions filed against the State for the enforcement of indemnification claims in

connection with a criminal proceeding;
m) in lawsuits for damages filed in consequence of any violation of the plaintiff's fundamental rights to a fair trial and/or to conclude court proceedings within a reasonable period of time;
n) in actions filed for the annulment of contracts for the transfer of residential properties of private individuals;
o) in lawsuits filed against any reference data provider or the financial enterprise operating the central credit information system as set out in specific other legislation, in connection with the transmission and processing of data in the central credit information system, or launched for the correction or erasure of reference data;
p) in proceedings opened for the correction of any particular entry that was registered ex officio relying on erroneous information, or if the entry contains any other type of error, or in proceedings opened to determine that an authority or court failed to comply with the obligation to forward any data registered ex officio in the companies register;
r) in non-judicial proceedings for the review of rulings adopted in administrative proceedings.
s) in non-contentious proceedings for the review of resolutions adopted by the election committee.
s) in enforcement procedures seeking payment for compensation for damages caused by a misdemeanor offense.
(2) In respect of the actions described in Paragraphs a)-c), g)-h) and l) of Subsection (1), the court may disregard to order the party to pay duty in the case of the partial loss of the action, if the amount of the award is to be determined at the court's discretion and if the amount requested was not manifestly exaggerated.
(3) In liquidation proceedings opened in connection with wages and other emoluments owed under contract of employment as specified in Paragraph i) of Subsection (1), the court shall provide for the payment of the duty in its ruling for terminating the proceedings or for the opening of liquidation proceedings.

8.1) Please briefly present the methodology of calculation of courts fees?

In Hungary the costs related to justice are regulated by the CPC and different ministerial decrees. The CPC contains the general regulations on the procedure of the establishment of the litigation costs, and the proportion in which the parties have to bear these costs. The ministerial decrees contain the exact amount or the rules of establishment of the costs related to justice, such as the fees of public notaries, experts, transcription.
There is no written regulation in force in respect of the lawyer's fees and even the bar has not accepted guidelines in this subject however recommendations and drafts have been on the table for several years.
The litigation costs are always established by the proceeding judge and on the basis of the underlying ministerial decrees containing the rules of the fee and cost establishment. Generally the main aspects taken into account by judges when determining the litigation costs are the amount of the claim, and the real activity of the given person (lawyer, expert, interpreter, etc) in the litigation.

In first instance cases, the fee (illeték) for court proceedings is 6 percent of the value of the claim (between a minimum of 10, 000 HUF and a maximum of 900,000 HUF). If the value of the claim cannot be determined, the law stipulates that 6% of a fictitious amount is to be paid.

The costs/duties of the court are always determined by law, as well as in the following cases:

Divorce procedures (házassági bontóper): 12,000 HUF
Labour court procedures(munkaügyi per): 7,000 HUF
Administrative procedures, except for cases on competition, public procurement, tax and electronic communication (közigazgatási határozat bírósági felülvizsgálata iránti eljárás): 20,000 HUF
Administrative extrajudicial procedures (közigazgatási nemperes eljárás): 7500 HUF
Cost of general procurement (általános meghatalmazás): 18,000 HUF
Insolvency procedures: liquidation 50,000 HUF; bankruptcy 30,000 HUF
In cases involving business associations without the status of legal persons (jogi személyiséggel nem rendelkező gazdálkodó szervezet): liquidation 25,000 HUF, bankruptcy 20,000 HUF
Arbitration: 1 percent (a minimum of 5000 HUF and a maximum of 250,000 HUF). If the value of the claim cannot be calculated, the fee is 10 000 HUF
Order for payment (fizetési meghagyás): 3 percent (a minimum of 5000 HUF and a maximum of 300,000 HUF).
Appeal: 6 percent (a minimum of 10,000 HUF, a maximum of 900,000 HUF)
Reopening a procedure (perújítás): fees must be paid again
Motion for review (felülvizsgálati kérelem): 6 percent in the case of decisions (a minimum of 10,000 HUF, a maximum of 2,500,000 HUF); in the case of orders (végzés), half of the costs payable for decisions (a minimum of 7000 HUF, a maximum of 1,250,000 HUF).

Stage of the civil proceeding where fixed costs must be paid

The obligation to pay court duties in civil proceedings arises when the request for litigation is made. Therefore, the court duties must be paid together with the request of litigation. If the party does not pay the court duties, or pays less than is required by law, the court must ask him/her to pay the remaining court duties on submission of the request. The court must also inform the party that the application will be rejected if the court duties are not paid in full.

The payment of the attorney's fee based on an agreement between the party and the attorney. The bailiff's fee must be paid in advance at the beginning of the enforcement procedure.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

180 EUR

9) Annual income of court taxes or fees received by the State (in €)

14 897 692

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	907974
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :
Extrajudicial assistance can be granted in two forms by the system of legal aid: legal advice and drafting legal documents.

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

. ☑ Amount 125 851 993

Comment :
84% spent on salaries, income taxes, health insurance, social insurance for the staff
13.5% spent on functional costs including maintenance of office buildings
2.5 % reserve

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	Yes
Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	Yes	No	No	No
Inspection body	No	No	No	No
Other	Yes	Yes	Yes	No

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):
Other:
The president of National Office for the Judiciary in the scope of his/her general duties of central administration
- shall elaborate his/her proposal on the budget of the courts and his/her report on the implementation of the budget, to be submitted without modification by the Government to the Parliament as part of the Bill on the budget and the Bill on the implementation of the budget,
- shall perform the duties in connection with the financial management of the heading of courts and direct the internal control of the courts.

The National Council of Justice (hereinafter: NCJ)
- shall form an opinion on the proposal on the budget of the courts and on the report on the implementation of the budget,
- shall control the financial management of the courts.

Within the confines of the control of the financial management of the financies the State Audit Office audits the operation and the financial management of the heading of courts – which belongs to the structure of the central budget.

ACT CLXI OF 2011 ON THE ORGANISATION AND ADMINISTRATION OF COURTS OF HUNGARY
The president of the National Office for the Judiciary:
Art. 76 (3) In his/her role concerning the budgets of courts the President of the NOJ shall
a) draw up his/her proposal concerning the budget of courts and the report on
the implementation of the budget – requesting and communicating the opinions of the NJO, furthermore that of the President of the Curia with respect to the Curia – which the Government shall put forward to Parliament as part of the Act on the State Budget and its implementing provisions without amendment,
b) he/she shall participate as an invited guest at the meeting of the Budget
Committee of Parliament and the Government when discussing the Act on the State Budget and on implementing regulations concerning the chapter on the budget of courts,
c) carry out the duties of the head of the organisation managing the chapter with
respect to the chapter on the courts in the Act on the State Budget with the proviso that during the year he/she may re-distribute the appropriations for the Curia towards budgetary organisations included in the chapter with the consent of the President of the Curia, with the exception of re-allocations necessitated by changes in the headcount of budgetary organisations,
d) exercise tasks relating to the financial management of the chapter on courts,
e) manage the internal audit of courts,
f) determine the annual budget for fringe benefits in collaboration with interest
organisations, and
g) determine the detailed conditions and levels of other benefits in collaboration
with interest organisations.

A.2 You can indicate below:
- any useful comments for interpreting the data mentioned in this chapter
- 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

mail CN 3/1/14: Q6 (annual public budget allocated to computerisation): explication de la différence entre les données 2010 et 2012: En 2010 il y avait un budget élevé et exceptionnel pour la computerisation.

mail cn 3/1/14:Q6 (annual public budget allocated to investments in courts buildings): explication de la différence entre les données 2010 et 2012: Pendant une période il n'y avait pas de source pour l'investessement , comme en 2010 ; en 2012 a été élevé a 7 692 308 €; et j'ai mentionné au Q7: "Q6 In 2014 annual public budget allocated to investments in new (court) buildings will be 26 590 660 €. "

mail cn 3/1/14:Q 12: explication de la différence entre les données 2010 et 2012: Chaque année développe ce budget.

Scope of authority of the President of NOJ and the central administrative supervision of the National Judicial Council (NJC)

The justice system created by the reform of 1997, which entrusted the National Council of Justice as a self-governing body with the administration of courts, did not exist then and is still non-existent elsewhere in Europe. As a natural consequence of management performed by a body, the decisions of the NCJ were influenced by particular interests and no operability could be achieved: problems that had to be addressed swiftly could remain unsolved for moths. This is why the new regulations introduced on 1 January 2011 and on 1 March 2011 deprived NCJ of many of its rights and delegated them into the competence of the president of NCJ. 16-20 new rights were added to the original 7-10 rights of the president of NCJ.

The rules coming into effect on January 1st, 2012 divided the powers into two groups. The task of central administration of courts is performed by the President of the NOJ, supported by deputies and the Office. The administrative work of the NOJ's President is supervised by the National Judicial Council (NJC).
The president of NOJ shall keep the competences of the president of the National Judicial Council, and further rights are also vested on the president in order to secure operability. To mention some of the latter, the right to issue regulations, resolutions and recommendations is a right usually exercised by the heads of the institutions with a national scope of competence. The president of NOJ shall bear a serious personal responsibility for the central administration and for its effective operation, i.e. to perform the president's duties – as enshrined in the Act of Parliament – with due regard to the constitutional principle of judicial independence. The president of NOJ shall perform the work under serious control:

The president shall provide for the publicity of the administration of the courts and the related decision-making.
The president is under an obligation of publication and notification in respect of decisions of the president of NOJ, regulations, recommendations and reports.
Between the rules of termination of the mandate also prevails the corporative control. The deprival of office of the president of NOJ may be initiated at the Parliament by NJC with its resolution adopted by two-third majority vote.
The customary control over the person responsible for a budgetary heading.
The president shall ensure the rights of the advocacy organisations.
only with respect to new cases received by the court,
only upon a motion taken within 15 days upon receipt,
only upon the motion of the court (or upon the motion of the General Prosecutor in criminal cases),
on the basis of specific data on the number of cases, staff number etc.,
upon requesting the opinion of the concerned court (the General Prosecutor).

The decision of the president of the NOJ may be appealed by the concerned parties, what is adjudged by the Curia.

Obligation of providing information
The president shall inform the NJC on her activities on a half year basis
The president shall inform annually the presidents of the Curia, of the high courts and of the tribunals
The president shall report to the Parliament annually on the general situation of
The courts and on the administrative activities of the courts and once in between annual reports to the Parliamentary Committee of the Judiciary.
Appointment of court executives

In the appointment of court executives, the right of the judicial bodies to form an opinion on the appointment remains unchanged. Some of the court executives shall be appointed by the president of NOJ, while a much larger part of executives shall be appointed by the presidents of high courts and of tribunals.
The powers of the bodies forming an opinion remain intact with regard to all executive appointments. Indeed, the rights of the president of NOJ are more limited than the powers of the presidents of high courts and of tribunals. The president of NOJ has to obtain the advance opinion of NJC, if she would like to appoint an executive who had not received the majority of the votes of the body forming an opinion on the appointment. The president of the NOJ shall – at the same time as the appointment – provide a written notification to the NJC and present the reasons of the decision on the next session of NJC, in the case of appointing another person than the one proposed by the body providing an opinion.
The system of applications court executive posts will remain unchanged: The applicants shall refer to his/her long-distance plans and the way of realization concerning the operation of the division in question.
The president of the NOJ may propose to initiate legislation in the interest of legislation affecting the courts.

The central administrative supervisory rights of National Judicial Council

The NJC has the central administrative supervisory rights regarding to the president of the NOJ as follows:

Supervising the central administrative activity of the president of NOJ, and making a notification as necessary
Making a proposal to the president of NOJ on initiating legislation affecting the courts
Forming an opinion on the regulations and recommendations issued by the president of NOJ
Approves the rules of procedure of the service court and publish it on the central website.
Forming an opinion on the proposal on the budget of the heading and on the report on the implementation of the budget
Forming an opinion on the detailed conditions and the amount of other benefits
Expresses a preliminary opinion on persons nominated as President of the NJO and President of the Curia on the basis of a personal interview,
Determines the principles to be applied by the President of the NJO and the President of the Curia when adjudicating the applications in the context of using their power to award a position to the applicant in the second or third position in the rankings,
Have the right of consent in the adjudication of applications where the President of the NJO or the President of the Curia wishes to award a position to the applicant in the second or third position in the rankings,
Exercises the right of consent regarding the appointment of court leaders who did not receive the approval of the reviewing board
Publishing annually its opinion on the relevant practice of the president of NOJ and of the Curia regarding the assessment of the applications for judiciary posts, and court executive positions, may awarding honorary titles etc., on the initiative of the president of NOJ
Performing checks related to the property declarations of judges
Deciding on the repeated appointment of certain executives, if the office has already been filled by the applicant two times
Forming an advance opinion on the application for an executive post, if the president of NOJ or the Curia would like to defer from the majority opinion of the body that has formed an opinion on the appointment
Forming an opinion on the rules pertaining to the training system of judges and to the performance of the training obligation.
The member of NJC may observe the documents related to the operation of NOJ and the president of NOJ, and may request data and information from the president of NOJ
The deprival of office of the president of NOJ may be initiated by NJC

National Office for the Judiciary
Information about the NOJ
Hungarian Judicial System
Reform of the judiciary
Working groups of the NOJ
Scope of authority of the President of the NOJ
Contact Details
Grounds of Court Procedures
Service Court
Annual Report 2012
National Judicial Council
European Union
Academy of Justice

Courts of Hungary

Curia of Hungary
Regional Courts of Appeal
Regional Courts

Please indicate the sources for answering questions 6, 9, 12 and 13.

Q6 and 9: National Office for the Judiciary; Q12 Office of Public Administration and Justice; Q13: Act CLXXXVIII of 2011 on State budget of Hungary of the year 2012

1. 1. 3. Budgetary data concerning the whole justice system

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

. ☐ NA 1609052020

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	Yes
Prison system	Yes
Probation services	NA
Council of the judiciary	Yes
Constitutional court	No
Judicial management body	Yes
State advocacy	NAP
Enforcement services	No
Notariat	No
Forensic services	NA
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	NA
Other	No

Comment :
Mail CN 28/01/14: Q 15: comme en 2010 ce chiffre comprend le budget total du ministère de l'administration publique et de la justice.

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

- (•) Yes
- ( ) No

If yes, please specify:

Legal aid does not include the full coverage of court fees, only regarding the fee of the lawyer granted by the justice service. This kind of legal aid is granted by the justice service's decision based upon either the evaluation of the client's overall income and assets or the personal exemption of costs and fees, which is granted by the court.
The legal aid system consists of covering court fees and the service of an attorney at law for free.
12. If I qualify for legal aid, will this cover all the costs of my trial?

This mainly depends on what kind of benefit the applicant receives:

a) In civil proceedings cost benefits may be the following based on their content:

* exemption from costs is the broadest category: it includes exemption from court charges, exemption from advance payment and costs to be borne during the proceedings and the opportunity to request the appointing of a court-appointed lawyer,
* exemption from court charges is a narrower category than exemption from costs: through it the party is exempted from the obligation to pay court charges but is not entitled to receive further benefits going together with exemption from costs,
* in the case of right to levy registration the party enjoying this right may only be exempted from paying the charges in advance, and in such a case the party obliged by court will have to pay the charges after the proceedings are over.

Exemption from costs, exemption from charges and the right to levy registration do not concern the costs of a trial to be borne by the adversary and the obligation to refund the charges paid and the costs paid in advance (enforcement costs) by the parties in the enforcement process.

b) In the course of the criminal proceedings if it is probable that, due to his/her income or financial situation, the accused will not be able to pay the costs of the proceedings and he/she certifies this, the court or the prosecutor decides on the authorisation of personal exemption of costs for the accused the request of the accused or his/her defence attorney. If the personal exemption from costs is authorised:

* at the request of the accused the court, the prosecutor or the investigating authority appoints a defence attorney,
* no court charges have to be paid for providing the copies of the documents of the criminal case for the accused and his/her appointed defence attorney on one occasion,
* the state bears the fees and certified out-of-pocket costs of the court-appointed lawyer.

13. If I qualify for partial legal aid, who will pay the other costs?

Since the current legislation does not distinguish between partial or full exemption from costs at court proceedings, if the court authorises exemption from costs, than this covers all the costs of a trial - with the exceptions in point 12.

14. If I qualify for legal aid, will it cover any review I might make following the trial?

If legal aid is authorised it extends to all phases of the proceedings, including the appeals procedure and enforcement on the basis of the proceedings.
15. If I qualify for legal aid, can it be withdrawn before the end of the trial (or even after the trial)?

a) In civil proceedings the court checks whether the conditions for eligibility for legal aid are still met as follows:

* until the final decision in the proceedings, annually on the basis of the date of the authorisation,
* before the issuing of the enforceable document, if already a year has passed since the final decision in the proceedings, and
* at any time during the proceedings - including the decision on the request for review - if data comes to light concerning the fact that the conditions were not fulfilled at the time of authorisation or at a later stage in the proceedings.

During the review the court revokes the aid if the party does not comply with what has been stated in the call of the court or if in the course of the review the court establishes that the applicant is no longer eligible.

b) During the criminal proceedings the accused receiving legal aid or the substitute private prosecutor must report all changes in his/her own or his/her dependant's income and financial situation - except where the income decreases or is no longer received - and all changes in his/her personal circumstances that concern the conditions of authorisation. The court and the prosecutor, on the basis of the statement but at least yearly, shall check whether the conditions for personal exemption from costs are still met. The court or, in the case of an accused, before the indictment the prosecutor, may review the eligibility for legal aid of its own motion if data comes to light to suggest that the conditions were not fulfilled at the time of authorisation or at a later stage in the proceedings.

If it emerges from the review that the conditions for legal aid were not fulfilled, the prosecutor before the indictment, or, in the case of a substitute private prosecutor, the court thereafter shall revoke it.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

(●) Yes

( ) No

If yes, please specify:

The scope of legal aid apply also in the enforcement proceedings, however, concerning only the fee of the legal aid provider. Legal representation cannot be granted in such cases, however, granting of extrajudicial assistance (legal advice, drafting of documents) is possible.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
No	No

Comment :
JUSTICE SERVICE OF MINISTRY OF PUBLIC ADMINISTRATIO
N AND JUSTICE
LEGAL AID SERVICE
You have the right for access to justice!
Róna u. 135. H-1145 Budapest, Hungary
Post office box: Budapest 1590, POB 90.
Tel: (00-36-1) 460-4700, Fax: (00-36-1) 460-4728
www.kimisz.gov.hu
Free number: 06-80-244-444
JUSTICE SERVICE OF MINISTRY OF PUBLIC ADMINISTRATIO
N AND JUSTICE
LEGAL AID SERVICE
The 20th of October 2003 the Hungarian Parliament a
dopted the Legal Aid Act LXXX of
2003.
The aim of the government was to establish institut
ions for the socially
disadvantaged people by which they will be able to
receive professional legal advice and
representation in courts in the course of asserting
their rights and resolving legal disputes. At
present the Service may grant legal aid in judicial
and extrajudicial cases.
The county justice services, as offices of first in
stance and in charge of receiving the
applications for legal aid, do not merely judge the
eligibility for aid but, in simplier cases,
provide legal assistance directly as well – without
prior screening of the clients' financial
capabilities. However please note that legal aid is
primarily provided not by the county justice
services, but by legal aid providers (attorneys, no
taries public, non-governmental
organizations etc.) which are recorded into the reg
istry and are contractual relation with the
Service.
The Legal Aid Service provides
professional legal assistance
for the socially disadvantaged people
.
Aid may be granted to a Party if
a)
he/she is involved in a legal debate, in relation t
o which an action may follow, and he/she
is in need of legal advice in order to become aware
of his/her procedural rights and liabilities,
or a petition has to be prepared for a subsequent c
ontentious legal statement to be made;
b)
he/she is involved in a legal debate that can be se
ttled out of court, and it is appropriate to
provide the Party with information as to the opport
unities of an extrajudicial settlement, or
prepare for him/her a paper that serves for the pur
poses of such a settlement;
c)
he/she takes part in extrajudicial mediation proced
ure aimed at the settlement of a legal
debate out of court, and he/she is in need of legal
advice prior to signing the agreement
terminating the mediative action;
d)
his/her information on legal matters in issues dire
ctly concerning his/her everyday
subsistence (in particular, issues related with dwe
lling, labour law, or the use of public utility
services) is necessary;
e)
he/she takes part in an administrative procedure th
at originates an obligation, and he/she
is in need of legal advice in order to become aware
of his/her procedural rights and liabilities,
or a petition has to be prepared for a legal statem
ent to be made;
f)
he/she requires legal advice on what type of procee
dings should be instituted in order to
protect his/her rights, and at which authority, or
if a petition has to be prepared for such a
proceedings to be commenced;

g)
he/she is an offended party in a criminal offence,
and he/she is in need of legal advice or
a petition has to be prepared in order to make char
ges or become aware of his/her procedural
rights and liabilities, or to institute an action f
or compensation for the damage caused by the
offence;
h)
he/she asks for help in the preparation of an appli
cation for extraordinary legal remedies in
a civil or criminal procedure;
i)
he/she
is a juvenile having released from a transitional o
r durable education seeking for a
first dwelling opportunity and therefore he/she nee
ds assistance to draft a legal document;
j)
he/she is party to a court procedure pending and h
e/she is in need of legal advice or drafting
a legal document or completing an application to ma
ke a statement before the court in order to
become aware of his/her procedural rights and liabi
lities, to settle his/her legal debate
extrajudicially, unless he/she is not supported by
a legal representative and providing a legal
advocate would not be necessary.
No aid may be granted
a)
for contracts, unless signatories thereto jointly a
pply for the aid and all of them are
equally eligible therefore;
b)
for legal advice concerning:
1. the conditions for raising loans disbursed by a
financial institution,
2. legal transactions, in which no legal statement
may be made unless drawn up in a
document countersigned by a lawyer or in a notarial
document, except when the
alienation or mortgage of the real estate used by t
he party or his/her family as a
domicile are the subject matter of such legal trans
actions;
c)
for complaints to be lodged concerning the constitu
tional law;
d)
in cases connected with entrepreneurial activities
conducted by private persons;
e)
in cases connected with the establishment or functi
oning of social organizations;
f)
for customs matters.
Exclusion of Legal Aid
(1) No aid may be provided if the Party has already
received the necessary aid in a
particular case, or the state administrative organ
competent to act in the case of the Party has
helped him/her in the preparation of a petition.
(2) No aid may be granted to a Party
a)
for a period of five years from the date of stoppag
e if an aid granted formerly has been
stopped on account of the disclosure of false data;
b)
if he/she failed to repay to the State the fee of l
egal service used before, though he/she
had been obliged to; or
c)
if he/she obstructs the verification of those descr
ibed in his/her application.
(3) In the event described under Paragraph
b)
of Subsection (2), a Party may be granted legal
aid in exceptional cases where he/she can credibly
prove that his/her pecuniary situation and
earning status or other personal circumstances have
declined to such an extent that he/she will
not be able to redeem the fee of legal service thro
ugh no fault of his/her own.
CRITERIA FOR GRANTING LEGAL AID
Free assistance:
• The fees of legal aid shall be payed by the Hunga
rian State instead of the client if the net
monthly income of the client does not exceed the cu

rrent minimum amount of the
retirement pension established on the basis of the
period of employment (HUF 28.500 in
2012).
Advanced fee of the assistance:
• The State shall advance the fee of legal services
in lieu of a Party if the monthly net income
available to him/her does not exceed the current lo
west mandatory amount of wage (minimum
wage) due on the basis of full-time employment, and
he/she has, taking account of the
provisions of Section 9, no property (HUF 87.118 in
2012).
Assistance of victims:
• The state shall advance the fees of legal aid for
those who has been declared a crime
victim by the Victim Assistance Service of the Just
ice Service if the net monthly income
does not exceed the wage of HUF 174.236 (in 2012).
Irrespective of their income and financial situatio
n, the following persons shall be
considered in need:
• a party who receives regular social assistance,
• a party who receives public health provision,
• a party who is a homeless person spending nights
at temporary lodgings,
• a party who is a refugee or temporarily protected
person or a person seeking recognition
•
as a refugee or temporarily protected person and on
the basis of the statement he/she has
made concerning his/her pecuniary situation and ear
ning status, is entitled to the care and
benefits he/she has been granted
•
a party who seeks legal aid in a procedure concerni
ng visas, residence permits or permanent
residence permits whose ascendents are/were Hungari
an nationals or the party who is subject
to a repatraition proceeding
a party who takes care of a child in his/her family
who has been declared eligible to receive
•
regular child welfare subsidies.
•
a party who, pursuant to Art. 46. Regulation 4/2009
/EC, is eligible for requiring legal aid
for the procedure according the Art. 56.
PROCEDURE
Submission of the application form
• Parties shall submit applications in person or in
writing to the county justice services
competent according to the party's domicile or habi
tual residence or, in the absence of such,
accommodations or workplace, by filling in the form
prescribed for this purpose and
attaching the necessary documents. The form can be
procured from the offices or
downloaded from the website. The submission of the
application form is free of duty or
fee.
• County justice services shall make decisions - wh
ere possible - immediately, or within five
working days maximum regarding applications submitt
ed in person (if it can be
determined on the basis of the application that the
conditions for granting aid have been
met); decisions regarding applications submitted in
writing shall be made within 15 days.
If the application is incomplete, the office invite
s the parties to supply the missing
informations.
• The resolution shall be handed over to the party,
if present, or delivered to them by mail.
Usage of aid
• Usage of aid involves two procedures. The party s
hall handle over the writ of authorization
to the provider of legal aid within the period of o
ne to three months- depending on
the resolution.
• Moreover exceptionally – in urgent cases – the pa
rty may contact a legal aid provider
directly using legal services that require subseque
nt authorization of aid. In this case the
legal aid provider shall evaluate the need for aid
in advance. In the writ of authorization the
county (Budapest) justice service shall specify the
time of legal aid paid or advanced

for the client. If the legal aid provider, followin
g the performance of the the legal services,
considers that additional assistance seems to be ne
cessary may submit a joint apply to the
county (Budapest) justice service for authorizing a
dditional time.
Considering EU-accession aid may be granted also in
cross-border disputes
• if the party is a national of the European Union
for enforcement of their rights in case of
need
• if the party is a Hungarian citizen seeks legal a
id before a court of another Member
State of the European Union, exemption from costs,
representation through a legal aid
provider from another Member State
From 1st of April 2004
the socially disadvantaged may use legal aid
in extrajudicial cases
,
after 1st of January 2008
this organization will provide legal aid
in civil procedures as
well.
PERSONS PERFORMING THE FUNCTIONS OF LEGAL AID PROVI
DER
Legal service (legal advice, drafting a document) i
s provided by legal aid providers in the
register of legal aid providers (attorneys, notarie
s public, non-governmental organizations).
The activitiy of a legal aid provider may be perfor
med by anyone in the registry of legal
aid providers kept by the Justice Service (hereinaf
ter referred to as the "Registry").
As the entries in the Registry are public, the Just
ice Service shall also publish them on the
Internet.
As legal aid providers can act attorneys, notaries
public or non-governmental organizations
engaged in activities related to the provision of l
egal protection. The county justice services
shall, free of duty and charge and without investig
ating the party's income and financialsituation, inform the Parties on which court’s or a
uthority’s competence the application falls
within; county justice services shall, furthermore,
provide brief information on less
complicated legal issues.

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	7460
in criminal cases	226
other than criminal cases	7234

Comment :

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
12414

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

1.In criminal proceedings, the suspect or the accused may receive free legal representation if:
- He or she is free of charges based on his or her personal conditions – the income threshold for this is in case of persons living alone, the double of the net minimum pension (it is now 28500 forint) in case of persons living in one household the net minimum pension per person
- In the case of obligatory legal representation, if the accused does not have a defense attorney. In this case, if the defendant is sentenced in the proceeding he has to pay back the fee of service to the state.
2.Applicable income threshold in the area of criminal justice for victims

The income threshold is 86 percent of the average national income (approximately 130 000 forint). Legal assistance for victims includes legal representation.
Other conditions attached to the granting of legal aid for victims

Besides the set income thresholds, the victim must fulfil two other conditions:

- He or she must make an impeachment/complaint
- He or she must obtain a certificate from the authority responsible for assisting victims. The certificate must contain proof of certain conditions (that he/she turned to the relevant authority within the time limit foreseen in law).

Representation by a lawyer may be granted to victims, civil suitors and private parties, whereas, personal exemption from costs and fees as well as representation by a lawyer may be granted to substitute civil suitors.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

- [x] Yes
- [ ] No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	1167	NAP
for other than criminal cases?	3568	NAP

Comment :
According to the Act LXXX of 2003 on Legal Aid, the State shall pay the fee of legal services in lieu of an applicant if his/her monthly net income (wage, pension, or other cash allocations paid to him/her on a regular basis) does not exceed the current minimum old age pension, which amount is currently 28500 HUF (~100 EUR) , and he/she has, taking account of the provisions of Section 9, no property. This evaluation method is applied for civil and criminal cases as well.
However, in civil procedures and in case of extrajudicial assistance, it is possible to grant legal aid, if the applicant's monthly net income is above this referred minimum old-age pension. In this case, the State shall advance the fee of legal services and the client has to pay it back within a period of maximum one year. The legal aid can be granted with these conditions, if the applicant's monthly net income is above the minimum old-age pension, but does not exceed the 43% of the gross domestic average wage of the second year prior to the current year, and he/she has no property.
In the calculation of the amount of income available, the income of persons sharing the same household with the applicant shall also be taken into account, except when such persons are adverse parties in a legal debate or government procedure with the applicant, and that amount shall be divided by the number of those living together with him/her.
The aforementioned Section 9 and its subsections (1) and (2) define the items of property that could not be taken into consideration. In particular, the following items:
a) customary necessaries and furnishings;
b) real estates of the applicant that serve for his/her residential purposes, and those of his/her dependants;
c) vehicle used by the applicant if he/she is with limited mobility, or without which he/she would become unable to practise his/her profession; and
d) items of property necessary for the earning of the income specified in Sections 5 and 6, respectively.
For the purposes of this rule, no account may be taken of assets, the use of which would result in a loss disproportionately exceeding the benefits that could be achieved through taking advantage of the legal service.
In some special circumstances specified in Section 5 subsection (2) there is no need to evaluate the financial situation of the applicant, because he/she shall be considered being in lack of financial means. These cases are the following: the applicant
a) receives regular social benefit for persons under the age required for old age pension, or shares the same household with his/her close relative who receives regular social benefit for persons under the age required for old age pension;
b) receives public health provision, or whose entitlement to medical services has been established; or
c) is a homeless person spending nights at temporary lodgings;
d) is a refugee or temporarily protected person or a person seeking recognition as a refugee or temporarily protected person, and, on the basis of the statement he/she has made concerning his/her pecuniary situation and earning status, is entitled to the care and benefits he/she has been granted;
e) is an applicant for visa, residence permit or permanent residence permit or is a subject to a naturalization process and whose ascendant are/were Hungarian nationals; is a subject to a renaturalization process
f) cares a child in his/her family and therefore receives regular child protection allowance;
g) is according to the Section 46. of the Council Regulation (EC) No 4/2009. entitled for the legal aid specified in Section 56.
The State also shall pay the fee of legal services in lieu of an applicant if the single and resourceless applicant’s monthly net income does not exceed 150% of the current minimum old-age pension.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- (•) Yes
- ( ) No

If yes, please explain the exact criteria for denying legal aid:
It is possible to refuse legal aid for malicious action and for the presumptive lack of chance of success.

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- [ ] the court?
- [x] an authority external to the court?
- [ ] a mixed authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

(•) Yes
( ) No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

According to our experiences, this kind of insurance is not a well-known one in Hungary. Currently only 4 insurance company provide similar products, so there is a growing potential in this segment.

This insurance companies offer so called legal assistance/aid insurance to its clients. This generally contains the following:
- the legal costs and lawyer's fees,
- court fees and other procedural duties,
- expert's expenses,
- witness' and interpreter's expenses,
- travel expenses,
- costs of execution,
- costs of the adverse party, in case the insured is ordered final to reimburse them.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1 You can indicate below:
- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Q27: In its final decision, the court requires that the losing party pay the costs incurred by the winning party within a period of 30 days. The losing party pays the costs directly to the winning party and, if she or he fails to do so, enforcement proceedings are initiated.

As a general rule, the experts' fees are paid by the losing party, and if (in specific cases) the state is responsible for paying the costs, it also bears the costs of experts. Where the costs are prepaid by the state, experts' fees are also included.

As a general rule, translators' and interpreters' fees are paid by the losing party, and if (in specific cases) the state is responsible for paying the costs, it also bears the costs of experts. Where the costs are prepaid by the state, these fees are also included.

Please indicate the sources for answering questions 20 and 23:

Q 20: Official statistics of the Office of Public Administration and Justice; Q 23: Act LXXX of 2003 on Legal Aid
Report from the Commission pursuant to Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA) [SEC(2009) 476] /* COM/2009/0166 final */ :
http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0166:FIN:EN:HTML

2. 2. Users of the courts and victims

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

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

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):	☑ Yes	www.complex.hu, https://kereses.magyarorszag.hu/jogszabalykereso www.jogszabalykereso.hu
case-law of the higher court/s? Internet address(es):	☑ Yes	www.kuria-birosag.hu; http://www.birosag.hu/ugyfelkapcsolati-portal/anonim-hatarozatok-tara
other documents (e.g. downloadable forms, online registration)? Internet address (es):	☑ Yes	www.birosag.hu; http://kih.gov.hu/documents/10179/19010/Form%20for%20the%20transmission%20of%20legal%20aid%20applications

Comment :
"Other documents" include: - downloadable forms, general information about court procedures and courts

Legal texts for victims:http://kih.gov.hu/aldozatsegito-szolgalat-jogszabalyai

http://kih.gov.hu/documents/10179/16456/AS_info_english

Compensation to crime victims: the necessary form can be downloaded from the Internet: http://www.kih.gov.hu
http://ec.europa.eu/justice_home/judicialatlascivil/html/pdf/manual_cv_hun_hu.pdf

Form for the transmission of legal aid applications: http://kih.gov.hu/documents1017919010Form%20for%20the%20transmission%20of%20legal%20aid%20applications

http://victimsupporteurope.eu/activeapp/wp-content/files_mf/1360754123LeafletVSEHU.pdf

http://fehergyuru.eu/newsite/?lang=en
The White Ring Public Benefit Association in Budapest, Hungary, concerned with victim assistance, support, and compensation, offers specific recommendations to improve the legal position of crime victims.

The association focuses on the legal position of victims at two levels. The first level includes legal modifications and suggestions, while the second level involves concepts and suggestions to be incorporated in Hungary's Criminal Code and Procedural Statute. In Hungary, the view has become increasingly common that crime victims and perhaps their relatives have a right to government compensation in every case where the offender cannot rectify the damage or injury caused and there is no other form of compensation available. Improving and modernizing the legal position of victims means that victims will enjoy the same level of legal protection as offenders. Criminal law modifications to protect victim interests are identified, as well as procedural law proposals. The need for adequate consideration of victim rights in court proceedings is emphasized, and ideas and recommendations on judicial reform are offered. The White Ring Public Benefit Association proposes that punishment schemes focus on reparation, that mediation be considered to reach agreement between victim and offender, and that both criminal code and restorative justice concepts be used to protect and compensate crime victims.

The Commissioner for Fundamental Rights (Ombudsman)and his Office:
http://www.ajbh.hu/hu
http://www.ajbh.hu/en/web/ajbh-en/
http://www.ajbh.hu/en/web/ajbh-en/about-the-office

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- ○ Yes
- ○ No
- ◉ Yes only in some specific situations

If yes only in some specific situations, please specify:
Only in criminal procedures. The summoning needs to refer to the foreseeable timeframe (mentioning the hours) of the procedural activity taken for a basis of the summoning.

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- ◉ Yes
- ○ No

If yes, please specify:

http://kih.gov.hu/information-in-other-language
The Hungarian Victim Support Service

The Hungarian Parliament passed Act CXXXV of 2005 on Crime Victim Support and State Compensation (hereinafter Act) on the 29th of November 2005. On the basis of equity and social solidarity the Act aims at providing services for those whose financial, social, physical and psychological conditions have deteriorated as a result of a crime.

Victim of Crime

Victim can be any natural persons who has suffered injuries as a direct consequence of criminal acts, in particular bodily or emotional harm, mental shock or economic loss. Victims can be entitled to victim assistance if the crime was committed on the territory of Hungary and the persons are

* Hungarian citizens,
* citizens of any EU Member State,
* citizens of any non-EU country lawfully residing in the territory of the European Union,
* stateless persons lawfully residing in the territory of the Republic of Hungary,
* victims of trafficking in human beings, and
* any other persons deemed eligible by virtue of international treaties concluded between their respective states of nationality and the Republic of Hungary or on the basis of reciprocity.

According to the Act victim assistance is provided by the county offices of the Office of Justice Victim Support Service. Victim assistance covers victim support (facilitate the protection of victims' interests, grant instant monetary aid and provide legal aid) and state compensation. Our offices give widespread information and advice to anybody.

The financial forms of assistance aim only the mitigation of damages, we can not compensate all damages of the victim.

Information and advice

The Victim Support Service’s county offices give information and advice on

* the rights and obligations the victim has in criminal proceedings,
* the forms of support available to the victim and the conditions for application therefor,
* any available benefits, allowances and opportunities to assert the victims’s rights other than those provided for herein,
* the contact details of state, local government, civil and church organizations involved in helping victims of crime, and
* the opportunities to avoid secondary victimization with a view to the type of the criminal act.

The protection from secondary victimization means the victim’s protection from further physical, psychological and pecuniary damages.

Victim support

The victims of any type of crime can be entitled to victim support in order to facilitate the protection of the victim’s interest, to legal aid and to instant monetary aid.

* Facilitate the protection of victims’ interests

The Victim Support Service helps to facilitate the enforcement of the victim’s fundamental rights, to have resort to health care, social security and social benefits. In order to be entitled to this aid the application form has to be submitted within six months after the crime was committed.

* Legal aid

If the Victim Support Service states that someone is victim of a crime, the Legal Aid Service advances the fees of the legal aid for those whose net monthly income does not exceed the wage of HUF 159.100 in 2009. In order to be entitled to this support you application form has to be submitted within six months after the crime was committed.

* Instant monetary aid

Instant monetary aid covers the victim’s extraordinary expenses in connection with housing, clothing, nutrition and travel, medical and funeral expenses in the event where he/she is unable, as a consequence of being victimized, to cover such expenses. Victim Support Services may give a maximum of HUF 79.550 in 2009. The application form for this support has to be submitted within three working days after the crime was committed.

The Victim Support Service shall not provide services for a crime victim who

* has already been granted the support applied for in an earlier phase of his/her case,
* had provided false information in a previous application for victim support services, for a period of two years following the operative date of the relevant resolution ,
* obstructs the examination aimed at verifying the data furnished in his/her application for support,
* had obstructed the examination aimed at verifying data furnished in a former application for support, for a period of two years following the operative date of the relevant resolution ,
* has failed, although he/she would have been obliged, to repay to the State the amount of monetary aid or the fee of legal assistance granted hereunder.

State compensation

* Those indigent victims are entitled to state compensation who suffered an intentional and violent act, unlawful in terms of criminal law, and as a result their physical integrity or health has been seriously damaged.

* Furthermore, compensation can be provided to a natural person who was living at the time of the crime with the victim as a domestic partner and was a next of kin, adoptive parent, foster parent, adopted child, foster child, spouse or a common-law spouse of a deceased or an injured party. Furthermore, compensation can be provided to a natural person whom the victim is or was obliged to maintain pursuant to the provisions of a legal regulation, an enforceable court order or official decision or a valid contract.
* Victims also have to be indigent to be entitled to compensation. Indigence is defined by the income position of the applicant. Based on income position, the applicant shall be considered as indigent if his/her income (in the case of persons living in a common household the per capita income) does not exceed HUF 159.100 in 2009. If the victim is participating in a refugee procedure in Hungary, his/her state of indigence is a presumption of law.

The application form for state compensation has to be submitted to any county office within three month after the crime was committed. The office helps to fill the form and transmits it to the deciding authority, the Budapest Office of Victim Support Service.

The citizens of the EU can also submit the application form in their Member State of residence. Compensation shall be paid for these victims also by the Hungarian Victim Support Service.

The sum of state compenstation can be

* lump-sum payment if it aims at compensating pecuniary damages or
* regular monthly installments if it aims at compensating the diminuation of regular income.

The lump-sum payment's maximum amount is HUF 1.193.250 in 2009.

Allowance may be given for the period of three years with the maximum sum of HUF 79.550 in 2009 monthly.

The payment of allotments to a victim shall be terminated if
the victim's eligibility for regular social services or pension insurance benefits has been officially established with a view to the crime, and disbursement of such benefits commenced,
o the victim has been granted annuity payments for damages by a non-appealable court order, and disbursement of such annuity has commenced,
o an insurance company starts disbursing annuity benefits to the victim,
o the victim's disability to work came to an end, or
o the victim was absent from the compulsory expert medical examination without proper justification.

A crime victim shall be deemed ineligible for compensation if

a) any of the grounds for ineligibility set forth in Section 5 applies,

b) he/she failed to enforce his/her social security or other insurance claim arising from the crime, or he/she enforced his/her claim for damages or insurance claim and he/she was fully compensated for his/her damages (including payments made by any foreign state, insurance company or non-governmental victim protection organization) by the time of submission of the application for state compensation,

c) his/her behavior gave reason for the commission of the crime, or was instrumental in the occurrence of the loss as is established by the final court verdict,

d) his/her own actionable conduct caused the damage, or was instrumental in the occurrence thereof as is established by the final court verdict,

e) he/she declined to testify without cause in the criminal proceedings opened as a result of the crime giving rise to compensation, or failed to meet his/her obligation of cooperation in the expert examination, or a fine for contempt was imposed on him/her by a final judgment for non-compliance with summons,

f) he/she failed to meet his/her obligation of cooperation in the medical and professional examination conducted under the compensation proceedings or to furnish any requested supplementary information or was absent from the hearing without cause,

g) he/she failed to submit a civil motion that is necessary for the criminal proceedings,

h) he/she committed during criminal proceedings opened as a result of, or in relation to, the crime giving rise to compensation any of the following criminal acts:

1. false accusation (Sections 233 to 236 of the Criminal Code),

2. misleading of authority (Section 237 of the Criminal Code),

3. perjury (Sections 238 to 241 of the Criminal Code),

4. subornation of perjury (Section 242 of the Criminal Code),

5. obstruction of justice (Section 242/A of the Criminal Code),

6. suppressing extenuating circumstances (Section 243 of the Criminal Code),

7. aiding and abetting (Sections 244 of the Criminal Code),

8. breaking of seals (Section 249 of the Criminal Code),

9. violent offence or offence causing public danger against the offender or a relative of the offender

as is established by final court verdict.

In order to get help from the Victim Support Service a certificate issued by either the

police, the public prosecutor's office or the court is required. If the victim cannot provide the certificate it must be obtained by the Service.

In the said certificate either the police, the public prosecutor or the judge certifies that either a report has been made or an investigation or criminal procedure has been commenced in the case.
Hungarian Victim Support Service has been erected primarily to assist persons who have been victims of crime (either felony or misdemeanour) committed in the territory of Hungary. Victim Support Service provides victims with advice and information, emotional support, assertion of their interests, legal assistance, even a solicitor, if necessary and instant monetary aid in crises. Severely injured victims of violent intentional crimes and family members of the deceased may also apply for state compensation. All support is provided free of charge. In addition, Victim Support Service runs a 24/7 available, free of charge helpline (06-80-225-225).

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexul violence/rape	No	Yes	No
Victims of terrorism	No	No	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	No	No
Ethnic minorities	No	No	Yes
Disabled persons	No	Yes	No
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	No	No	No

Comment :
Ethnic minorities: use of mother tongue

The Act XIX of 1998 on Criminal Procedure deals with the rules of criminal proceedings against juvenile offenders in a separate chapter. Against juvenile offenders the general procedural rules must be used with the following major deviations:
- the proceedings against a juvenile offender shall be conducted by taking into account the characteristics of his age and in a way that promotes the respect of the juvenile offender for the laws,
- in the first instance, the presiding judge (single judge), while in the second instance, a member of the panel shall be the judge designated by the National Judiciary Council, at the court of first instance, one of the associate judges on the panel shall be a teacher
- the powers of the prosecutor shall be exercised by the prosecutor for juvenile offenders
- the participation of a defense counsel is statutory in the proceedings against a juvenile offender
- the rights of the legal representative shall be governed by the rights of the defense counsel
- a study of the juvenile offender's living conditions shall be obtained, it is prepared by the probation officer
- the pre-trial detention of a juvenile offender may only be applied if this is necessary due to the gravity of the criminal offence
- the general public shall be excluded from the trial if it is necessary in the interest of the juvenile offender
- the warning about the procedural rights and duties must be drafted in a comprehensible way according to the juvenile offender's age and comprehension.

Minor witness or victim
- by the hearing of a witness under eighteen years of age the legal representative shall be present
- persons under fourteen years of age may only be heard as a witness if the evidence expected to be provided by his testimony cannot be substituted by any other means
- the criminal procedure must be immediately conducted in case of serious criminal offenses committed to the injury of minor victims
- the ward of a minor shall be notified on the subpoena, subpoenas shall be served on minors under fourteen years of age through their ward
- persons under fourteen years of age may only be involved in the confrontation, if it will not cause apprehension
- the court may exclude the public from the trial for the protection of the minor participating in the procedure
- the warning about the procedural rights and duties must be drafted in a comprehensible way according to the minor's age and comprehension
- the witness under fourteen years of age shall be examined by the investigating judge if there is reasonable ground to believe that questioning at the hearing would adversely affect his personal development
- if the witness is a minor under fourteen years of age and he has been heard by the court in the course of the investigation, he may not be summoned to the trial.

Further special rules for court hearings (relevant for all groups mentioned above):
- all witnesses and victims have the right for confidential treatment of their personal data, in such cases their personal data may only be inspected by the court proceeding in the case, the prosecutor and the investigating authority
- in exceptionally justified cases the chairperson of the panel of the court proceeding in the case, the prosecutor or the investigating authority may initiate the personal protection of among others the defendant, the counsel for the defendant and the witness, or to participate in the witness protection program
- the presiding judge may order the accused whose presence may disturb the witness(victim) in the course of the questioning to leave the court room

31.1) Is it possible for minors to be a party to a judicial proceedings :

- (●) Yes
- ( ) No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

Minor is a person under eighteen years of age, except when he/she is over sixteen and got married with the permission of the court of guardians.

The Civil Code makes a distinction between the minors as following:
incapable minor: the minor under fourteen years of age, and the minor above fourteen years of age in case he/she is placed under conservatorship by the court (because of his/her state of mind)
minor with diminished capacity: the minor above fourteen years of age, if he/she is not incapable.

The substantive legal statement of an incapable minor is null and void as a main rule, only their legal representative may act on behalf of them.

To the validity of the legal statement of a minor with diminished capacity the agreement or the subsequent approval of the legal representative is necessary as a main rule.

In particular cases the minor with diminished capacity can act without the collaboration of the legal representative, they have the right:
- to make legal statements of a personal nature for which they are authorized by legal regulation (for example right of testamentary disposition in front of a notary public)
- to conclude contracts of minor importance aimed at satisfying their everyday needs
- to dispose of their earnings acquired through work
- to conclude contracts that only offer advantages.

In civil proceedings the legal representative represents the minors in court.

Criminal procedures:
- the person who has not yet completed his fourteenth year when perpetrating an act, shall not be punishable,
- the minor may be witness, except he apparently cannot be expected to give correct testimony due to their physical or mental condition
- by particular criminal offenses of a lesser degree (for example violation of the secrecy of correspondence) the prosecution is represented by the victim (private accusation); if the victim is a minor, the legal representative acts on behalf of him
- if the superior prosecutor has rejected the protest of the victim concerning the dismissal of the complaint or the termination of the investigation, and substitute private accusation may be lodged pursuant to the Criminal Procedure Law the victim may stand as a substitute private accuser; if the victim is a minor, the legal representative acts on behalf of him
- the victim may enforce the civil claim (compensation for example) against the defendant already during the criminal procedure; if the victim is a minor, the legal representative acts on behalf of him.

Hungarian legislation takes the child’s participation into account for all decisions concerning them.
A minor can benefit from legal aid in both civil, criminal and administrative judicial proceedings if he/she fulfils the general requirements for grating legal aid. Minor offended and private parties, however, shall be eligible for the aid regardless of their pecuniary situation and earning status. The application for legal aid may be submitted by the minor’s legal representative.
Act CLXIII. of 2011 on the Prosecution Service:
Section 2
(1) To perform the duties laid down in Section 1, the Prosecution Service shall
h) give special attention to combating crimes committed by and against minors, to compliance with the special rules of procedure of administrative and criminal proceedings instituted against juvenile persons; participate in enforcing the rights of minors and launch proceedings to have the necessary child protection measures taken in the cases provided for by law;

32) Does your country allocate compensation for victims of crime?

(•) Yes
( ) No

If yes, for which kind of offences

Severely injured victims of violent intentional crimes and family members of the deceased may apply for state compensation.
State compensation is granted to victims of intentional and violent crimes in the event that their physical integrity and health has been seriously damaged as a result of the criminal act. Victims' relatives are also to be regarded as victims from this point of view: they can be granted compensation if they were living together with the victim at the time the crime was committed. Victims have to be indigent in order to be entitled to compensation. Victims who are being processed as refugees are presumed to be indigent by law.
Compensation for damages is payable only to natural persons who have suffered a violent intentional crime against their person.

Q30

4 - Help and support for victims of crime
Print

Justice Office

Institute for Social Policy and Labour

White Ring Public Benefit Association

Eszter Foundation – Foundation for the Rehabilitation of the Victims of Violent Sexual Attack

NANE – Association Women for Women Together Against Violence

Habeas Corpus Working Group

Justice Office

The Justice Office is a central office of the state, controlled by the Minister for Justice, consisting of the Central Justice Office, and 20 regional offices (one regional office in the capital and 19 other regional offices in the county seats). The departments responsible for protection of victims' interests are Victim Support Service, Legal Aid Service and Probation Service.

Justice Office

is a central office of the state, controlled by the Minister for Justice, consisting of the Central Justice Office, and 20 regional offices (one regional office in the capital, and 19 other regional offices in the county seats)
has three departments, responsible for protection of victims' interests: Victim Support Service, Legal Aid Service and Probation Service
runs 20 regional victim support services, legal aid services and probation services, operating as part of the regional justice offices

Victim Support Service, the Legal Aid Service and the Probation Service of the Justice Office

are intended to provide a number of financial, legal and other support services to victims, understood as aggrieved parties of crimes committed in the territory of the Republic of Hungary, and any natural persons who suffered injuries, in particular bodily or emotional harm, mental shock or economic loss, as a direct consequence of criminal acts
act as supporting authorities concerning compensation

CONTACTS:

Website: http://www.kih.gov.hu/

Institute for Social Policy and Labour

The department responsible for protection of victims' interests of the Institute for Social Policy and Labour is the National Crisis Telephone Information Service. The hotline service is part of a regional crisis management network, operating with regional partners.

Institute for Social Policy and Labour:

has a department, responsible for protection of victims' interests named National Crisis Telephone Information Service

National Crisis Telephone Information Service

is part of a region-based crisis management network, operating with regional partners
has the priority task to ensure the prevention and the management of family crises and domestic violence through the operation of efficient professional means
provides professional information and consultation services
lends assistance (via telephone, e-mail) and holds supporting conversations
provides immediate intervention in serious crisis situations and initiation of adequate authority actions
secures accommodation in safe shelters as required and coordination of the provision of accommodation

CONTACTS:

Website: http://www.szmi.hu/; http://www.krizistelefon.hu/

White Ring Public Benefit Association

The main task of the Hungarian victim protection organisation White Ring Public Benefit Association is to offer concrete and immediate material, legal, psychological, and other forms of assistance to victims of criminal acts, and their families - especially to those in need due to their social status.

White Ring Public Benefit Association

is the first victim protection organisation in Eastern Europe
offers concrete, and immediate material, legal, psychological, and other forms of assistance to victims of criminal acts, and their families – especially to those in need due to their social status
offers assistance to everybody requiring it in relation to all types of crime committed against them, irrespective of their membership or other obligations
provides spiritual consolation and personal care following the criminal act, free legal advice, and financial support to those in need
in line with the regulations of the European Union, gives assistance to foreigners who become victims in Hungary

CONTACTS:

Website: http://ww.fehergyuru.eu/

Eszter Foundation – Foundation for the Rehabilitation of the Victims of Violent Sexual Attack

Eszter Foundation – Foundation for the Rehabilitation of the Victims of Violent Sexual Attack was the first and still is the only organisation in Hungary specialising in providing help for the victims of sexual abuse and assault, paying special attention to the child and adult victims of child sexual abuse and sexual assault, as they have special needs due to the nature of the harm inflicted.

Eszter Foundation – Foundation for the Rehabilitation of the Victims of Violent Sexual Attack

was the first and still is the only organisation in Hungary specialised in providing help for the victims of sexual abuse and assault
pays special attention to the child and adult victims of child sexual abuse and sexual assault, as they have special needs due to the nature of the harm inflicted
provides psychotherapy, social support and protection of rights of victims, and promotes crime prevention and law-enforcement in the field
provides crisis intervention telephone counselling, long-term psychotherapy, comprehensive, confidential, face-to-face counselling for victims of child sexual abuse and sexual assault

CONTACTS:

Website: http://www.eszteralapitvany.hu/

NANE – Association Women for Women Together Against Violence

NANE – Association Women for Women Together against Violence operates a hotline for women who are victims of domestic violence. This is the only phone service in Hungary operated by trained, skilled women volunteers on a non-profit basis.

NANE – Association Women for Women Together Against Violence

was established in 1994, aimed at operating a hotline for women who are victims of domestic violence. The hotline is still the only phone service in Hungary operated by trained, skilled women volunteers on a non-profit basis
has a phone number in order to provide information for young women looking for a job abroad
intends to disseminate information about domestic violence as a social phenomenon through publications, trainings and campaigns
pays attention to legal developments affecting the victims of domestic violence, and initiates changes in the field

CONTACTS:

Website: http://www.nane.hu/

Habeas Corpus Working Group

Habeas Corpus Working Group is a human rights organisation, which specialises in GLBT (Gay, Lesbian, Bisexual, Transgender) and women's issues, dealing with the equality of women and sexual minorities, and self-determination rights connected to sexuality, and condemns all forms of sexual violence and exploitation, depictions and use of women and children as sexual objects.

Habeas Corpus Working Group

is a human rights organisation, which specialises in GLBT (Gay, Lesbian, Bisexual, Transgender) and women's issues
deals with the equality of women and sexual minorities, and self-determination rights connected to sexuality, and condemns all forms of sexual violence and exploitation, depictions and use of women and children as sexual objects
provides legal aid for battered and sexually abused women, for victims of sexual assault in the workplace; for child victims of sexual and physical abuse; for victims of violence and/or other forms of discrimination against women, gays, lesbians, bisexuals, HIV positive persons and transsexuals

CONTACTS:

Website: http://www.habeascorpus.hu/

33) If yes, does this compensation consist in:

- [x] a public fund?
- [x] damages to be paid by the responsible person (decided by a court decision)?

☐ a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

◉ Yes
○ No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

Mail CN 1/4/14 et 2/4/14 : 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).

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

◉ Yes
○ No

If yes, please specify:

Prosecutors can authorize to participate in Protection programme. The Protection Programme may include the following measures:
· change of domicile or residence;
· change of identity;
· personal protection;
· making the personal data from public informational sources inaccessible for the public;
· changing the name, etc. (Act LXXXV of 2001 on the Protection Program of those Participating in Criminal Proceedings and Supporting Jurisdiction)

Section 51 of the Act on the Criminal Code: "the victim shall be entitled to
a) be present at the procedural actions (unless provided otherwise by this Act) and to inspect the documents affending 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,
d) file for legal remedy in the cases specified in this Act."

Section 2 of the Act CLXIII of 2011 on the Prosecution Service:
h) give special attention to combating crimes committed by and against minors, to compliance with the special rules of procedure of administrative and criminal proceedings instituted against juvenile persons; participate in enforcing the rights of minors and launch proceedings to have the necessary child protection measures taken in the cases provided for by law;

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

◉ Yes
○ No
○ NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, 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

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

☑ excessive length of proceedings?
☑ non execution of court decisions?
☑ wrongful arrest?
☑ wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

In civil procedure there is a possibility of requesting the reopening of the case.

In criminal cases according to the related code :
Section 580 (1) Pre-trial detention and temporary involuntary treatment in a mental institution shall be subject to compensation, if
I. the investigation was terminated because
a) the action does not constitute a criminal offence,
b) it cannot be ascertained from the data of the investigation that the criminal offence has been committed,
c) it was not the suspect who committed the criminal offence, or it cannot be ascertained from the data of the investigation that the criminal offence has been committed by the suspect,
d) a ground for the preclusion of punishability exists,
e) the procedure cannot continue due to statutory limitation,
f) a final court verdict has already been delivered on the action;
II. the court
a) has acquitted the defendant,
b) has terminated the procedure due to statutory limitation of punishability, dropping the charges or because a final ruling has been delivered in the case.
(2) Notwithstanding subsection (1), no compensation shall be paid if the defendant
a) has escaped, or has attempted to escape, or absconded from the court, the prosecutor or the investigating authority,
b)
c) was acquitted with an order to an involuntary treatment in a mental institution.

Section 581 (1) The defendant shall be entitled to compensation for imprisonment, placement in a detention home or an involuntary treatment in a mental institution served under a final judgement, if the defendant was acquitted due to extraordinary legal remedy, received a less severe sentence, was placed on probation or was reprimanded, or the procedure against him was terminated, or it was established that the involuntary treatment in a mental institution was ordered without legal justification.

There is no data available on the number of cases nor on the result of the procedures. The calculation of the compensation differs in every cases. Request for non pecuniary compensation occur very often.

Excessive length:
The court shall seek to enforce the parties' right to reach a conclusion within a reasonable time period.
A reasonable time-frame for the conclusion of litigation shall be determined in due consideration of the subject matter and nature of the dispute, as well as the unique circumstances of the proceedings.
In case of violation of this time period the party may seek reasonable compensation for damages.
The court shall hear such cases in priority proceedings.

Non-execution of court decisions:
On general principle, the time limit set for the performance of an obligation prescribed by the court shall be fifteen days. In case of non-performance the obligor must pay interest from the actual date of delay.

Wrongful arrest:
Pre-trial detention and temporary involuntary treatment in a mental institution shall be subject to compensation if the court has acquitted the defendant or has terminated the procedure for example due to statutory limitation of punishability.
No compensation shall be paid if the defendant has escaped from the investigating authority, or has committed a crime in order to defeat establishing the facts.

Wrongful condemnation:
The defendant shall be entitled to compensation for imprisonment if he was acquitted due to extraordinary legal remedy or has received a less severe sentence. No compensation may be paid, if the defendant failed to disclose in the basic case the facts and evidence underlying the judgment delivered after the re-trial.
The amount paid as a fine and the costs of criminal proceedings shall be reimbursed to the defendant, if the defendant was acquitted or has received a less severe sentence in an extraordinary legal remedy procedure.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- [ ] (Satisfaction) surveys aimed at judges
- [ ] (Satisfaction) surveys aimed at court staff
- [ ] (Satisfaction) surveys aimed at public prosecutors
- [ ] (Satisfaction) surveys aimed at lawyers
- [x] (Satisfaction) surveys aimed at the parties
- [x] (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- [x] (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:
Satisfaction survey occurred among citizens generally measuring the satisfaction with the services delivered by the judicial system.

Courts – for the present at the Natinal Office for the Judiciary's recommendation – shall use client's satisfaction questionnaires. These can be filled in by the clients of the courts anonymously and so they can express their opinion on the work of courts.
Besides this the office responsible for the central administration of courts surveys from time to time the general satisfaction of clients in connection with the work of the courts by charging a public-opinion researcher.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	Yes	Yes

40) Is there a national or local procedure for making complaints about the functioning of the judicial system(for example the handling of a case by a judge or the duration of a proceeding)?

- (•) Yes
- ( ) No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint
Court concerned	Yes	Yes
Higher court	No	No
Ministry of Justice	No	Yes
High Council of the Judiciary	Yes	No
Other external bodies (e.g. Ombudsman)	No	No

Comment :
Everybody may file a complaint – in an oral, written or electronic way – to the head of the affected court or the president of NOJ.
The complaint about the work (negligence) of the court will be examined and dealt with by the president or other head of the court.
The complaint shall be considered within 30 days of receipt.
If the complaint is substantiated the restoration of the justified situation shall be arranged or any other necessary measures must be taken.
If the notifier finds the measures of the president of the local or the administrative and labour court unacceptable, the president of the regional court will arrange the complaint at his request within the frame of revision.
The complaint against the president of the court of appeal or the regional court will be examined and arranged by the president of the NOJ.

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

In 2012 started 20 procedures based on 2 § (3) of Code of Civil procedure, and in one procedure was fixed damages 100.000 HUF (341€).

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	131
42.2 First instance specialised Courts (legal entities)	20
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	157

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	20
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	20
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	NA
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :
In Hungary the judicial system is structured in the following way: there are 111 generally competent district courts in first instance out of which the district courts in the seat of the regional courts have special competences in many cases. There are 20 administrative and labour courts in first instance, 20 regional courts – dealing with cases in first instance as well as appeals coming from administrative and labour courts in second instance; 5 regional courts of appeal – dealing with first instance cases coming from regional courts, third instance in criminal cases; the Curia – reviews legal remedies, appeals, adopts uniformity decisions, which are binding for all other courts, analyses final decisions to examine and explore judicial practice, publishes decisions on principles. The Curia passes decisions in cases where local government decrees violate legal rules, and reverse them, passes decisions in cases where the local government fails to legislate as laid down in the act on local governments.

44) Is there a foreseen change in the structure of courts [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:
Integrated administrative and labour courts were set up from 1st January 2013. The preparation for their establishment started in 2012. Administrative and labour courts shall proceed in the first instance:

- in cases reviewing administrative decisions,
- in cases regarding employment relationships and legal relationships of an employment nature, and
- in other cases referred to them by law.

According to the new organisational structure, the judicial system in the field of public administration and labour has been changed. As provided in the Act, as from 1 January 2013,administrative and labour courts will be set up on the basis of the organisational system of the labour courts that has also enjoyed independence so far.
Even today, the labour courts actingon the local court level operate in part as administrative courts.
It is not a unique model, as the cases of social security and labour are handled together in other countries as well (e.g.Austria, Belgium, Israel).
The field of administrative law and the labour courts have an exemplary cooperation even today – due to the special nature of the cases they handle.
This would surely be a great help in their structural reform.
Further changes in this field will be implemented in the form of setting up the so called regional judicial divisions of public administration and labour, guaranteeing professional background beyond the borders of the tribunals for the judges involved in the relevant field, and a wide foundation for the establishment of the uniformity of law.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

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

Please give the definition for small claims and indicate the monetary value of a small claim:

Act III of 1952 on the Code of Civil Procedure
PART SIX
SMALL CLAIMS PROCEDURES
CHAPTER XXVII
Application of General Rules
387. § (1) A small claim is a claim for payment of money not exceeding one million HUF, under the jurisdiction of the local courts.

The value of a small claim: 1.000.000 HUF = 3.413 EUR

Please indicate the sources for answering questions 42, 43 and 45:

Q42 and Q 43 National Office for the Judiciary:
http://www.birosag.hu/en/information/hungarian-judicial-system

Q45 Act III of 1952 on the Code of Civil Procedure

Working groups of the National Office of the Judiciary:
The president of the NOJ may establish working groups in order to perform its duties defined in the statutes. The tasks of the working groups are preparing analysis and recommendations, consultancy, providing opinion and tasks regarding to decision preparation. The most important working groups are the following:

Workload Working Group

The "Workload working group" was established for performing duties regarding to the measure of workload and staff management and for preparation the related decisions on January 17th, 2012.

The duties of the working group are

to participate analysis of the number of staff of the judges and judicial officers,
to maintain statistic on central level,
to establish a judicial duty and task cadastre, the indicators of the average workload of the dispute and non-dispute procedures and the forms and methods of measuring the workload of judges in order to achieve the proportionate workload.

Communication Working Group

The "Communication Working Group" was established for performing duties regarding to communication of the National Judicial Council and the courts and for preparation the related decisions on January 17th, 2012.

The duties of the working group are

developing the communication between the institutes of justice, citizens, judges, and judicial officers,
initiative, relevant and continuously information,
participation in development electric communication.

Administrative and Labour Working Group

The "Administrative and Labour Working Group was established for performing duties regarding to the establishment of administrative and labour courts on May, 18th, 2012.

The tasks of the working group are the performance of the duties regarding establishment of the administrative and labour courts and the regional administrative and labour colleges and preparation decisions relating to it.

Mediation Working Group

The "Mediation Working Group" was established for performing duties regarding to the propagation the mediation procedure and for preparation the related decisions on March 24th, 2012.

The duties of the working group are the preparation of the propagation of the judicial mediation procedure in order to forward the access to justice and the closing of the procedures in a reasonable time and in a more economic way.

Training Working Group

The "Training Working Group" was established on January 17th, 2012.

The working group participates

in configuration of the training system,
in preparation decisions about central and regional educational tasks and in their execution, and
in determination of the training system of the judges and
in determination of training obligation.

Working Group for elaboration the history of the Hungarian court system between 1944 and 1989

The working group was established for tasks regarding the research and exploration of the past of the court system on October 10th, 2012. The president of the NOJ finds very important the exploration of the past of the court system and the recognition of the personal history of the judges and judicial officers.

The tasks of the working group are

the elaboration the national and territorial history of the institutes of court,
the exploration of the data about the staff of the court that may be relevant for the public interest,
introducing the judges, who were served the dictatorship,
to keep worthy memory for the judges and judicial officers, who were exemplary fulfilled their professional commitments even in the most difficult times

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012)
(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

****

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	2767	856	1911	
1. Number of first instance professional judges	1672	496	1176	
2. Number of second instance (court of appeal) professional judges	1021	326	695	
3. Number of supreme court professional judges	74	34	40	

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	157	74	83	
1. Number of first instance court presidents	131	57	74	
2. Number of second instance (court of appeal) court presidents	25	16	9	
3. Number of supreme court presidents	1	1	0	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure	NAP
If possible, in full-time equivalent	NAP

Comment :
In Hungary there are no professional judges sitting in courts on an occasional basis

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure	☑ Yes	4563

Comment :
The court of first instance usually consists of one professional judge, but the law may specify lawsuits where the court is made up of one professional judge and two lay judges. The lay judges are appointed by representatives of the local government. In the proceedings, the lay judges have the same rights and obligations as the professional judge.

Lay judges/Assises

According to constitutional rules lay judges/assises (nem hivatásos bíró/ülnök) may also participate in judicial proceedings.

Candidates must have no prior criminal record, the right to vote, be Hungarian citizens and be over the age of 30. In addition to these requirements military associate judges (katonai ülnök) must serve in the professional staff of the Hungarian armed forces (Magyar Honvédség) or the law enforcement agencies.

Assises are elected for four year terms.

In criminal proceedings local courts comprise one professional judge (hivatásos bíró) and two associate judges in circumstances where the criminal offence under consideration is punishable by a term of imprisonment of eight or more years. The county court (megyei bíróság) acting as a court of first instance may conduct its procedure by means of a panel (tanács) consisting of one professional judge and two assises.

In civil proceedings a panel consisting of a professional judge and two associate judges may sit in cases defined by law.

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

○ Yes
◉ No

If yes, for which type of case(s)?
The jury existed in Hungary only during the era of the Austrian–Hungarian dualism (1867–1918). Its first regulation was in 1848 through the revolution, nevertheless the jury process was extended only after the Compromise between Austria and Hungary in 1867. The system of Hungarian juries had two historical stages: the first began with the decree in 1867, the second started in 1900 when the Code of Criminal Procedure came into force.

51) Number of citizens who were involved in such juries for the year of reference:
NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60)
(please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1	☑ Yes (among which women)	8 142

+ 2 + 3 + 4 + 5)		
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	☑ Yes (among which women)	767
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	☑ Yes (among which women)	2 406
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)		NA
4. Technical staff		NA
5. Other non-judge staff	☑ Yes (among which women)	4 969

Comment :
Those persons may be appointed to court secretaries who have passed the professional legal examination.
In cases defined by law the court secretaries shall perform the duties of the judge.
Functions which belong to the competence of the court secretaries are for example the following:
Criminal procedures:
- search for unknown persons, or persons and objects with unknown locations
- determine the cost of criminal proceedings
- assign an expert
- impose a sentence in an omission of a trial

Civil procedures:
In cases delegated under the jurisdiction of courts of the first instance, court secretaries shall have powers to act without a formal hearing. In such cases the provisions of the Code on Civil Procedure governing court proceedings shall apply to the court secretaries.

In bankruptcy and liquidation non-litigious proceedings – with exceptions prescribed by law – shall make decisions on the substance of the case of the first instance.

In registration procedures – with exceptions prescribed by law – shall make the decisions on the substance of the case of the first instance.

In judicial execution procedures shall make any procedural acts delegated under the jurisdiction of courts of the first instance.

In misdemeanor procedures delegated under the jurisdiction of local courts can proceed comprehensively.

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

Court clerks

Court clerks are officials with a higher education degree who, acting within the field of the judge's remit – under their control and supervision – perform the tasks conferred on them by law on an independent basis. Court clerks complete college training.

Court clerks perform all tasks in civil cases falling within the remit of the court that are referred to them by judges; however, they are not entitled to pass judgements, make provisional measures, security measures, orders of discontinuance or reject any statement of claim without issuing an order and may not act in those cases that are referred to the executive clerk's duties by law. In criminal procedures, legal provisions clearly stipulate those tasks that can be performed by court clerks in the course of proceedings, which include, for example, performing court reporter's tasks and stenotyping, taking measures to deliver official documents via announcement, preparing and issuing copies of documents, and taking measures to state the domicile or residence of the accused or witness.

Court clerks are judicial employees; their appointment is subject to the following criteria:

18 years of age;
no criminal record;
right to vote;
Hungarian citizenship;
qualification as judicial clerk;
submission of a financial disclosure statement.

Court clerks may not engage in any activity that is incompatible with their position or endangers their ability to do their work impartially and free of influence. Court clerks may not take up any position in parties or undertake public appearances on behalf of or for the interests of parties. Court clerks may take up paid empoyment only with the prior approval of their employer, except in the case of activities in the areas of science, education, art, editing, sports and intellectual activities falling under legal protection.

It is a disciplinary offence for court clerks to grossly violate their obligations associated with their service position.

Within their emoluments court clerks are entitled to receive fees, special benefits, other remuneration, allowances and reimbursement of expenses. The emoluments of court clerks consist of basic remuneration and different bonuses. The basic remuneration is defined based on judicial service time by ranking in salary classes and grades.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

☑ Yes

☐ No

If yes, please specify:

The security services, cleaning services are provided in several court by private companies. Concerning the IT services: the operation of the central system is provided by a private company.

C1 You can indicate below:
- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Hungarian Judicial System: http://www.birosag.hu/en/information/hungarian-judicial-system The background and the aims of changing the model of court management in Hungary: http://www.birosag.hu/sites/default/files/allomanyok/english/f_alod-b17.pdf

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

National Office for the Judiciary

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	1 812	741	1 071	
1. Number of prosecutors at first instance level	1 145	427	718	
2. Number of prosecutors at second instance (court of appeal) level	566	257	309	
3. Number of prosecutors at supreme court level	101	57	44	

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	167	104	63	
1. Number of heads of prosecution offices at first instance level	140	82	58	
2. Number of heads of prosecution offices at second instance (court of appeal) level	26	21	5	
3. Number of heads of prosecution offices at supreme court level	1	1	0	

Comment :
Q 56 : mail CN 1/4/14 : Question 56: Y-a-t-il une raison particulière à l'augmentation du nombre de chefs des ministères publics –et en particulier en seconde instance- ?
Si on regarde strictement le niveau des cours d'appel, il y a seulement 5 parquets a ce niveau. Mais en fait il y a 21 parquets départementaux lequels sont en deuxieme instences au meme niveau que les tribunaux départementaux en deuxieme instence qui jugent les affaires en deuxieme instence (le jugement du tribunal de premiere instence a statué et son jugement a été attaqué). Les cours d'appel juegent en appel les affaires qui ont commencé en premiere instence devant les tribunaux départementaux (les grands affaires).

57) Do other persons have similar duties to public prosecutors?

- ○ Yes
- ◉ No
- ○ NA

Number (full-time equivalent)

58) If yes, please specify their title and function:

NAP

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- ☐ Yes
- ☐ No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- ☐ Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number	☐ NA	2683
Among which women	☑ NA	

C2 You can indicate below:
- Any useful comments for interpreting the data mentioned in this chapter
- The characteristics of your judicial system and the main reforms that have been implemented over the last two years

Q59.1) NO

Please indicate the sources for answering questions 55, 56 and 60.
Department of Personnel of the Office of the Prosecutor General

3. 1. 4. Management of the court budget

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	No	No
Court administrative director	Yes	No	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

Comment :
The president of the National Office for the Judiciary:
- shall perform the duties in connection with the financial management of the heading of courts and direct the internal control of the courts.

The National Council of Justice (hereinafter: NCJ)
- shall form an opinion on the proposal on the budget of the courts and on the report on the implementation of the budget,
- shall control the financial management of the courts.

The State Audit Office:
Within the confines of the control of the financial management of the state finances audits the operation and the financial management of the headings of courts – which belong to the structure of the central budget.

3. 1. 5. Use of Technologies in courts

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

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	-50% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	0 % of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	+50% of courts
Website	100% of courts
Follow-up of cases online	0 % of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	+50% of courts
Videoconferencing	100% of courts
Other electronic communication facilities	100% of courts

Comment :
Mail CN 3/1/14: explication sur la différence de données entre 2010 et 2012: En ce qui concerne „Electronic processing of undisputed debt recovery", depuis 2011 les notaires peuvent inicier cette procédure, c'est pourquoi s'y trouve „0 of courts".

IT developments:
IT has a prominent role in the efficient operation of courts and the administration.
In almost all fields, developments require IT assistance.
The fields where IT (technical) developments are required:
-the registry program,
-executive supervision,
-budgetary management, financial control,
-HR records,
-administrative communication,

-providing anonymous sentences,
-operating the websites of courts,
-the areas affected by procedural rules, electronic administration of cases,
-securing the openness of courtrooms,
-operating the security system of courts,
-performing administrative duties,
-training,
-providing statistical data, assessments.

E-justice:

The electronic administration of the court procedures will be instituted with the financing of the European Union and European Regional Development Fund.

The aim of the project is the development of electronic registration and access of the documents that come into existence during the judicial actions. As a result the operation of the justice could be more effective.

The purpose of the project to increase the electronic communication between the citizens and the courts, to make possible on electronic way

the submission the petitions by the parties and concerned authorities
the delivery the documents by the courts to the parties,
the storage of the documents
the access to the anonymous decisions of the courts.

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	Yes
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :
According to the Act on Criminal Procedure:
Holding a trial by way of a closed-circuit communication system
Section 244/A (1) At the motion of the prosecutor, the accused, the counsel for the defence, the witness, the lawyer acting on behalf of the witness, the ward or legal representative of a minor witness, or ex officio, the presiding judge may order the examination of the witness, or, in exceptional cases, the examination of the accused by way of a closed-circuit communication system. In the event of an examination via a closed-circuit communication system, direct links between the venue of the trial and the place of stay of the person heard shall be provided by a device simultaneously transmitting oral and visual communication..
(2) The presiding judge may order the use of closed-circuit communication system for the examination
a) of a witness under fourteen years of age,
b) of a witness against whom a criminal offence falling in the scope of criminal offences against life and limb or health (Title I of Chapter XII of the Penal Code), or criminal offences against marriage, family, youth or public morals (Chapter XIV of the Penal Code), or other violent criminal offence was committed,
c) of a witness whose presence at the trial would impose unreasonable difficulties owing to his health condition or other circumstance,
d) of a witness or accused participating in a witness protection program specified in a separate legal regulation and whose protection otherwise justifies this, and
e) of a detained accused or witness whose presence at the trial would endanger public safety.
(3) Examination by way of a closed-circuit communication system may be ordered by the presiding judge in a decision explaining the reasons therefor. The decision concerning examination via a closed-circuit communication system may not be separately appealed, only when the conclusive decision is contested.
(4) The decision shall be communicated to the prosecutor, the accused, the counsel for the defence, the witness to be heard, the lawyer acting on behalf thereof, in the event of a minor witness, the legal representative or ward thereof, and in the event of the examination of a detained person, the relevant institution of detention at least five days prior to the day of the trial. The decision shall be sent to the court providing the separate room for the examination of the accused or the witness, or, when appropriate, the relevant institution of detention.

Section 244/B (1) The witness or accused to be examined via a closed-circuit communication system shall be placed in a separate room (testimonial room) at the court providing for their examination or at the relevant institution of detention. Only the following persons may be present in the testimonial room: the lawyer acting on behalf of the witness, in the case of a minor witness the legal representative or ward thereof, and if required, the expert, the interpreter and the staff operating the closed-circuit communication system. In the case of the examination of the accused via a closed-circuit communication system, the counsel for the defence may be present both in the venue of the trial and the testimonial room.
(2) A judge from the court of jurisdiction at the location of the testimonial room shall also be present in the testimonial room. In the course of opening the trial, after recording those present in the venue of the trial, at the request of the chairperson of the panel the judge establishes the identity of those present in the testimonial room and verifies that no unauthorised person has entered the testimonial room and the witness or the accused are not restricted in exercising their respective procedural rights.
(3) At the commencement of the examination, the presiding judge advises the witness or accused to be examined via a closed-circuit communication system that they will be examined in this manner.
(4) The responsibilities of the judge of the court having jurisdiction at the location of the examination set forth in this Section may also be performed by the court secretary, in this case the minutes specified in Section 244/D (1) shall also be taken by the court secretary.

Section 244/C (1) In the case of examinations by way of a closed-circuit communication system it shall be ensured that the participants of the criminal proceedings may exercise – with the exception stipulated in subsection (4) below – their rights to ask questions, make objections or motions and other procedural rights in compliance with the provisions of this Act.
(2) In the course of the examination the accused shall be allowed to contact his counsel for the defence. If the counsel for the defence is present in the venue of the trial, a telephone connection shall be provided for between the testimonial room and the venue of the trial to ensure this right.
(3) Those present at the trial shall be allowed to see the witness or accused in the testimonial room as well as all other persons examined or staying there simultaneously with the witness or the accused. While in the testimonial room, the witness and the accused shall be provided with the means to follow the course of the trial.
(4) Witnesses under fourteen years of age examined by way of a closed-circuit communication system may be questioned exclusively by the presiding judge. The members of the panel, the prosecutor, the accused, the counsel for the defence and the victim may propose questions to be asked. With the exception of a confrontation, while in the testimonial room, a witness under fourteen years of age may only hear and see the chairperson of the panel via the transmission device.
(5) Upon the examination by way of a closed-circuit communication system, the individual features of the witness suitable for identification (e.g.: face, voice) may be distorted by technical means during the transmission.

Section 244/D (1) The judge present in the testimonial room shall take separate minutes of the circumstances of the examination by way of a closed-circuit communication system, indicating the persons present in the testimonial room. The minutes shall be attached to the minutes taken at the trial.

(2) Simultaneously with the examination via a closed-circuit communication system, video and audio records shall be taken of the events taking place at the trial and the place of stay of the person examined. The video and audio records shall be attached to the documents.
(3) At the motion of the participants of the criminal proceedings, the presiding judge may order that the video and audio records be played at or outside the trial. Upon playing the video and audio records, it shall be ensured that they cannot be watched and heard, changed, destroyed or copied by unauthorised persons.

C3 You can indicate below:
- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Q 63 Equipments needed for videoconferencing could be provided from external sources based on the related request

3. 2. Monitoring and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- [x] Yes
- [ ] No

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

The Department of Statistics within the Division of Administration of Courts of National Office for the Judiciary
http://www.birosag.hu/kozerdeku-informaciok/statisztikai-adatok/statisztikai-evkonyvek

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- [x] Yes
- [ ] No, only in an intranet website
- [ ] No

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- [x] Yes
- [ ] No, only in an intranet website

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- [x] number of incoming cases?
- [x] number of decisions delivered?
- [x] number of postponed cases?
- [x] length of proceedings (timeframes)?
- [x] other?

If other, please specify:

Individual judge statistics, statistics on the reasons of the postpones trials, number of trial days, number of trialled cases, number of cases scheduled for one day, cases under process of an individual judge.

Recommendation of the President of NOJ No. 3/2012. (II. 20.) OBH on the designation of the court in charge for the purpose of providing for judging upon cases within a reasonable time:http://www.birosag.hu/en/information/recommendation-president-noj

Statistic tables of the designation procedures:http://www.birosag.hu/en/en/information/reform-judiciary/statistic-tables-designation-procedures

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- (•) Yes
- ( ) No

If yes, please specify:

The court case load statistics are made from monthly, quarterly, six-monthly and annual data.Short summary of the workload of the judiciary:http://www.birosag.hu/en/information/short-summary-workload-judiciary
These are analyzed by the presidents of the courts and the National Council of Justice, and if it is necessary they make the adequate measures (for example staff increase).
If it seems necessary the president of the National Office for the Judiciary can order an examination at the concerned court.
The development of an IT system is under way which would make it possible to automatically measure and evaluate the workload of judges.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- (•) Yes
- ( ) No

71) Please select the 4 main performance and quality indicators that have been defined:

- [x] incoming cases
- [x] length of proceedings (timeframes)
- [x] closed cases
- [x] pending cases and backlogs
- [ ] productivity of judges and court staff
- [ ] percentage of cases that are processed by a single sitting judge
- [ ] enforcement of penal decisions
- [ ] satisfaction of court staff
- [ ] satisfaction of users (regarding the services delivered by the courts)
- [ ] judicial quality and organisational quality of the courts
- [ ] costs of the judicial procedures
- [ ] other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- (•) Yes
- ( ) No

73) Who is responsible for setting the targets for each judge?

- [ ] executive power (for example the Ministry of Justice)?
- [ ] legislative power
- [ ] judicial power (for example a High Judicial Council, Higher Court)
- [x] President of the court
- [ ] other

If other, please specify:
It is stipulated in the courts' organizational and operational rules, that for example how many hearing days a judge shall have in a month and how many cases shall the judge monthly hear. These rules are issued by the president of the court but before that the judicial council shall form an opinion on them. The judicial council is a self-governing organ at the courts, and consists of judges who are elected by judges. The rules are approved by the president of the National Office for the Judiciary .

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- (•) Yes
- ( ) No

75) Who is responsible for setting the targets for the courts?:

- [ ] executive power (for example the ministry of Justice)?
- [ ] legislative power
- [ ] judicial power (for example a High Judicial Council, Higher Court)
- [x] President of the court
- [ ] other

If other, please specify:

76) Please specify the main targets applied to the courts:

The processing of the cases in delay
The significant differences in the workloads of the courts in the central region and in other regions should be eliminated without delay.
Within a reasonable time, it should be achieved that the cases received in the same field of law are processed and opened for trial in the same period of time throughout the country.
It's impermissible to allow in this respect differences of several moths or years depending on which court is in charge of the case.
The solution:
-regrouping of the opening posts,
-launching calls for applications for so called mobile judicial posts,
-shifting the administrative workload of judges to judicial employees (court secretaries, court clerks) assisting the judges,
-removal of judges from the fields that can be handled by court secretaries (execution, misdemeanour),
-regrouping of resources within the specific judicial organisations (delegation of judges),
-detouring incoming cases to other courts with less workload,
-strengthening administrative control.

Even distribution of workload

According to publicly available data, it's salient that there are unexplainable individual differences on national level regarding the number of incoming cases per judges.
The aim to be achieved is to have a maximum difference of +/-10% in the number of cases per judges regarding the judges working in the courts of the same level and in the same field of law.

Strategic targets of the court organization
- to fulfill the court's constitutional obligation – the independent judges shall adjudicate timely and on a high level
- optimal distribution and utilization of human resources
- to ensure the physical means, optimal distribution and utilization of them
- integrity of the court organisation, transparency and computability of sentencing and administration
- to simplify the access to courts
- to develop the training system, to cooperate with the other professions

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- [x] High Council of judiciary
- [ ] Ministry of Justice
- [ ] Inspection authority
- [ ] Supreme Court
- [ ] External audit body
- [x] Other

If other, please specify :

National Office for the Judiciary and Presidents of the courts:
- the presidents of the regional courts evaluate the activities of the local courts and the administrative and labour courts operating in their territory
- the judicial council – which operates at every regional court - shall form an opinion on the annual budget plan of the court and on the implementation of the approved budget
- the conference of judges – which includes all judges of the court - decides upon initiating their executive examination, furthermore may initiate the negotiation of a matter by theNational Council of Justice
- the National Council of Justice shall control the financial management of the courts, and form an opinion on the report on the implementation of the budget
- the teams for analysing the judicial practice of the courts at the Curia evaluate the adjudicating activities of the courts on a given field
- the president of the National Office of the Judiciary shall direct and supervise the administrative activity of the presidents of courts, monitor the enforcement of the rules pertaining to the administration of courts, and the compliance with the procedural deadlines and administrative regulations.

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- (•) Yes
- ( ) No

If yes, please specify:

The courts of appeal shall make a professional note on every case of first instance and analyze especially the following:
- wrong or right implementation of the substantive law, procedural law and the rules of court,
- quality of the preparation of trials,
- quality of the trial procedure,
- grounding of the application of coercive measures,
- the timeliness of the setting of the trial,
- the timeliness of the transcription of sentences,
- quality of the drafting of resolutions.

The so earned conclusions are summarized and yearly reported to the judges of first instance.

The teams for analysing the judicial practice of the courts at the Curia evaluate the adjudicating activities of the courts on a given field and periodically report on the observations to the judicial organisation.
89.
The court shall take measures to enable the parties to have access to all requests submitted during the proceedings, including all legal statements and documents presented to the court, and to make their opinion known within the deadline prescribed by law.

For the purpose of deciding the dispute, the court shall inform the parties in advance concerning the facts for which the taking of evidence is required, the burden of proof, and also on the consequences of any failure of the evidentiary procedure. Unless otherwise provided for by law, the responsibility for producing evidence for the purposes of litigation lies with the parties. The legal consequences relating to the omission of lodging a request for the performance of taking of evidence, or if such request is presented in delay, moreover, if the taking of evidence has failed shall - unless otherwise prescribed by law - fall upon the party required to produce evidence.

Hearings are supervised by the presiding judge. Within the framework of law, the presiding judge shall determine how the hearing shall proceed.

Within the above framework in the course of the conduct of hearings the court is intent on proceeding co-operating with the parties in order to enforce maximal and equal rights of the parties. For example the judge arranges with the parties and the representatives the time of the next day in court, in view of the aspects of the case tries to reconcile the parties, subserve their arrangement.

79) Do you have specialised court staff that is entrusted with these quality standards?

- ○ Yes
- ◉ No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

- ☑ in civil law cases
- ☑ in criminal law cases
- ☑ in administrave law cases

81) Do you monitor waiting time during court procedures?

- ◉ Yes
- ○ No

If yes, please specify:

The judges need to report frequently on those cases where the duration of the process is longer (duration of the case is more than 2 years, duration of the case is more than 5 years). Based on these reports special measures could be initiated. The court presidents should report on these cases to the President of the National Office for the Judiciary.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- ◉ Yes
- ○ No

Please specify the frequency of the evaluation:

Annual report on the operation of the court provided by the president of the county courts, regional courts.
The evaluation consists mainly of the annual report of the presidents and the annual work schedule of the courts. Primary aspects of evaluation: the number of incoming, closed, pending cases,the length of procedures and events of hearings.

Introduction of new administrative methods
The whole operation of the Office should present respect for the courts and the constitutional obligation of judges: in the course of elaborating the work procedures, efforts shall be paid to create diverse paths of communication between the Office and the courts (court executives, judges, advocacy organisations).
The service providing character of the Office should be improved significantly. It is in particular important to introduce new administrative techniques and methods complying with the challenges of the 21st century, and supporting the Office as an institution responsible for the management of a knowledge-based organisational structure.
New methods of efficient management and control include the following:
-inclusion into the office work of resources available within the courts' organisation, the operation of various task -oriented networks and work committees (e.g. training group in the field of family law) basically need only coordination on behalf of the Office, but persons in charge may also be designated within the groups,
-rotation of the judges posted in the Office, although the operation of any administrative organisation is determined by the accumulated knowledge of the staff, the need for a fresh approach, impetus and the inclusion of new direct experiences into the organisation justify reasonable and small -scale changes introduced over a long period of time,
-the judges and officials posted in the Office should have an opportunity to get acquainted with the actual work at the courts, or to keep their relevant knowledge up to date (half day on site practice per month, court visits),
-in the preparation of documents, targeted examinations would enjoy priority over general nationwide data collections, focusing on short periods and courts of different nature,
-in the preparation of analyses, targeted investigations would enjoy priority over general investigations, data collections –even with the participation of judges or court executives – (e.g. the structural characteristics of the qualification of judges),
-data collections should focus on IT potentials and aligning them with the demands (also facilitating the processing and analysis of data),
-the overlapping/duplicated duties of the organisational units should be eliminated completely in the course of obtaining and analysing data, and in the preparation of proposals,
-the Office could be the coordinator or the monitoring party of certain pilot programmes (e.g. the operation of teams of judges-court secretaries, and their effectiveness in the courts participating in the programme),
-process descriptions could be prepared for certain transparent workflows (e.g. the preparation of contracts and forming opinion on them) in addition to the rules contained in the organisational and operational regulations and the document handling regulations,
-with regard to different areas (e.g. client service in the court office, handling client complaints), so called best practice recommendations could be elaborated with the contribution of the judges.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- ◉ Yes
- ○ No

If yes, please give further details:

The Prosecutor General submits to the Parliament his report on the activities of the prosecution every year.

C.4 You can indicate below:
- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

The president of the National Office for the Judiciary (NOJ)may established working groups in order to perform its duties defined in the statutes. The tasks of the working groups are preparing analysis and recommendations, consultancy, providing opinion and tasks regarding to decision preparation. The most important working groups are the following: Workload Working Group The "Workload working group" was established for performing duties regarding to the measure of workload and staff management and for preparation the related decisions on January 17th, 2012. The duties of the working group are to participate analysis of the number of staff of the judges and judicial officers, to maintain statistic on central level, to establish a judicial duty and task cadastre, the indicators of the average workload of the dispute and non-dispute procedures and the forms and methods of measuring the workload of judges in order to achieve the proportionate workload.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

NA

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

- (•) Yes
- ( ) No

Number of successful challenges (in a year):

NA

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	4	44	9	0
Civil proceedings - Article 6§1 (non-execution)	0	0	0	0
Criminal proceedings - Article 6§1 (duration)	2	9	0	0

Please indicate the sources:

Ministry of Public Administration and Justice
Hungarian Agency before ECHR, HUDOC database

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

- [x] civil cases?
- [x] criminal cases?
- [x] administrative cases?
- [ ] there is no specific procedure

If yes, please specify:

- According to the Code on Criminal Procedure:
Section 517. (1) The prosecutor may arraign the defendant within thirty days from the commission of the criminal offence,if
a) the criminal offence falling in the competence of the local court or subject to military criminal proceedings is punishabla by a maximum of eight years imprisonment by law,
b) the case is simple,
c) the evidence is available
d) the defendant was caught in the act or admitted the commission of the criminal offence.
Section 541. Ommission of the trial

- According to the Code on Civil Procedure
The court shall handle actions for media remedy, actions for Termination or Limitation of Enforcement, in special administrative cases in priority proceedings. In small claim procedure the dadlines are shorter than the general deadlines.

Cases concerning, for example, parental control, electoral process, coercive measures.
1. What are the different types of measures?

Act III of 1952 on the Code of Civil Procedure provides for two types of legal measure to ensure that an opposed claim can be satisfied: interim injunction and provisional enforcement, which provide protection before the legally-binding ruling has been made. This is supplemented by the precautionary measure provided by Act LIII of 1994 on Enforcement.
2. What are the conditions under which these measures may be issued?
2.1. Please describe the procedure!
Interim injunction:

Article 156 of the Code of Civil Procedure regulates the interim injunction, the objective of which is to ensure immediate legal protection to prevent the impairment of rights that, due to the lapse of time, cannot be remedied ex post. By ordering an interim injunction the court obliges the adversary of the applicant to comply at a time when it has not yet come to a decision on the substance of the legal dispute between the parties. Contrary to the general rules, the court adjudicates on the application in advance and the ruling ordering the interim injunction may be executed in advance irrespective of the appeals procedure.

As a general rule, an interim injunction may be granted upon application; the court may grant it of its own motion only if there is a special authorisation by law: in an affiliation action - if the trial proceedings were suspended - about the alimony the child is entitled to [Section 153(3) of the Act on the Code of Civil Procedure] and in matrimonial proceedings about the placement and support of the child, expanding or limiting parental supervisory rights and visiting rights (Section 287 of the Act on the Code of Civil Procedure).

The request may be put forward only in a court action, the earliest date being the time when the application is submitted.

As regards the content of the application, it must be shown that the circumstances presented in it are probable and that they refer to one of the specified situations requiring immediate legal protection (risk of damage, need for legal protection on account of the change of status of the legal dispute, or a legal protection situation requiring special recognition) and the measure applied for must, of course, be such as to prevent the impairment of rights. The applicant under law does not have to prove that the information presented is true beyond doubt, but only that it is probable. There is only a limited possibility for verification while the measure is in operation; it may only be allowed if the application cannot be decided without it. The reason for the restriction is the objective of the interim injunction and the fact that the party only has to show that the situation is possible, without verifying that the conditions for the applications are definitely met.

The trial court, when arriving at a decision, has to consider whether the party has shown that the legal conditions justifying the ordering of an interim injunction are probably met. The court is also free to decide what degree of probability it requires the party to show. If the application meets these conditions, the court must assess the disadvantages caused by the interim injunction and compare them with the advantages that can be achieved. Although the Act uses the expression 'disadvantage caused' it actually means not the disadvantage already caused but the disadvantage that may be caused by the injunction and its implementation. If the assessment reveals that the disadvantages exceed the advantages, the application has to be rejected. The court also decides at the time of the assessment whether it requires a security to be lodged for the interim injunction.

The court decides by way of order on the application for interim injunction. In exceptional cases the court rescinds the interim injunction in its judgment.

The court may decide on the application either during the actual trial or separately.

The order remains in effect until it is rescinded or, if this does not take place, until final judgment is given in the case or when the judgment of the court of first instance becomes legally binding.

Either of the parties may apply to have the order rescinded.
Provisional enforcement:

Section 231 of the Act on the Code of Civil Procedure regulates the possibilities of provisional enforcement. Under the provisions – in some cases – the legally binding decision can have effects and the decision can be enforced before it actually becomes final. In the cases listed in Article 231 of the Act on the Code of Civil Procedure, if the conditions mentioned there are fulfilled, the court of first instance must declare its judgment provisionally enforceable of its own motion. If the appeal hearing is deferred, the court of second instance may also decide on provisional enforcement on application by the person concerned, having regard to the facts of the case.

The Code of Civil Procedure contains here an exhaustive list, which may not be given a broad interpretation. Provisional enforcement may therefore not be ordered for any

other reason.

On the basis of this the following must be declared enforceable, whether or not an appeal is lodged:

* a decision ordering payment of maintenance or childcare allowance and the provision of other temporary services having a similar objective.
* a decision on ordering the termination of trespass;
* a decision ordering satisfaction of a claim recognised by the defendant;
* a decision ordering payment of a sum of money on the basis of the obligation assumed in an authentic instrument or a private document representing conclusive evidence (Articles 195 and 196), if all the circumstances serving as a basis for it were certified with such a document;
* a decision ordering a non-financial action to be taken, if the claimant would suffer disproportionately severe damage or if it is difficult to establish the damage caused by the deferment of the enforcement, and if the claimant provides adequate security.

If the court of first instance declares the ruling provisionally enforceable despite Articles 231 and 232 of the Act on the Code of Civil Procedure, the president of the chamber acting at second instance may order proceedings to be suspended before the hearing is held, but it will take place at the request of the interested party even if the appeals trial is deferred, together with the examination of all the facts of the case.

The court may decline to order provisional enforcement if ordering it would put a disproportionately heavier burden on the defendant than declining to do so would put on the claimant. The defendant, however, must present an application to the court in every case; the court may not decide to decline to order provisional enforcement in the listed cases of its own motion.
Enforcement of precautionary measure:

Under Hungarian law, enforcement may be ordered only if the court has issued an enforcement order. The enforcement order may be issued if the final decision contains an obligation (order to do something), it is legally binding or can be provisionally enforced and the deadline for compliance has expired. If these three conditions are not all met simultaneously, the issuing of the enforcement order is not possible and therefore enforcement may not be started. For the protection of the rights of the entitled person there is, however, a possibility to order a precautionary measure.

Therefore if the enforcement order to fulfil the claim cannot yet be issued but the party asking for enforcement has shown that the later fulfilment of the claim is probably threatened, upon the application of the party requesting enforcement, the court orders by way of precautionary measure:

1. security for a pecuniary claim, and
2. the blocking of the specified object.

A precautionary measure may be ordered only in cases that are specified by law. For example, if the claim is based on a ruling under which an enforcement writ could be issued but this cannot be done because the judgment is not yet legally binding or the judgment is legally binding but the deadline for fulfilment has not yet expired; or matrimonial or other proceedings were instituted on a claim in the family courts and the validity of the claim, its amount and its dueness have all been certified with an authentic instrument or a private document representing conclusive evidence.

In the first case the court entitled to issue an enforcement writ and in the second case the court where the proceedings were instituted has the right to proceed.

The court must decide on the precautionary measure as a matter of urgency and within no more than eight days and send the order for a precautionary measure without delay to the bailiff.

The appeal against the order for a precautionary measure does not have suspensory effect.

After receiving the order for a precautionary measure, the bailiff without delay summons the party asking for enforcement to pay the advance payment necessary for enforcement within a short time limit, and after the advance payment has arrived he starts the enforcement of the precautionary measure without delay.
2.2. What are the conditions under which such measures may be issued?

The criteria to be applied by courts principally reflect the need to ensure the subsequent enforcement of the claim. In the case of an interim injunction the basic criterion is that enforcement must be necessary for preventing an imminent threat of damage or maintaining the situation that caused the legal dispute or for the protection of the specific rights of the applicant, and that the disadvantage caused by the measure does not exceed the advantages that can be achieved by it. Where provisional enforcement is ordered the court must order enforcement. There is a discretion to be exercised only where there is a request from the defendant that provisional enforcement should not be ordered. Where a precautionary measure is to be ordered, there must be evidence of a threat to the subsequent fulfilment of the claim. Therefore the claim must have been opposed in all three cases and in the case of an interim injunction and a precautionary measure it must be under threat; in the case of provisional enforcement the criterion is the protection of the interests of the eligible person.

3. Object and nature of such measures?
3.1. What types of assets can be subject to such measures?

In the case of an interim injunction the court orders the fulfilment of what has been laid down in the claim or in the application for an interim injunction upon the request by the court. This may extend to any claim put forward in the application.

Provisional enforcement means the enforcement of what has been ordered in a ruling of the court of first instance that does not yet have legally binding effect; this can also impose several obligations or services.

In a precautionary measure the court may order the blockage of a specified object or

demand security for a financial claim. If the court orders security to be given for a financial claim, then the bailiff will hand over the order containing it to the debtor onsite, at the same time ordering him/her to pay the relevant amount without delay to the bailiff's hands. If the debtor does not comply, the bailiff may seize any asset of the debtor. In order to seize real property, the bailiff contacts the land registry office without delay to register enforcement rights to secure the financial claim in the land registry.

When an amount is to be secured, the bailiff summons the financial institution handling the amount the debtor is entitled to with an order that, after receiving the letter of summons, it shall not pay the amount secured and the amount covering the costs of the proceedings either to the debtor or to anybody else and, if the balance of the account does not attain the amount to be secured, it should act identically with regard to future payments.

A blockage ordered for a specified object may extend to any movable property having a value.
3.2. What are the effects of such measures?

In the case of an interim injunction and provisional enforcement, the debtor has to comply with the court's judgment. Based on the order an enforcement proceeding may be started.

There are two types of precautionary measure with different effects. Where the measure is to secure a claim, the debtor must hand over a specified amount of money to the bailiff. If a financial institution manages the amount of money the debtor is entitled to, then the bailiff summons the financial institution managing the amount the debtor is entitled to with an order that, after receiving the letter of summons, it shall not pay the amount secured and the amount covering the costs of the proceedings either to the debtor or to anybody else and, if the balance of the account does not attain the amount to be secured it should act identically with regard to future payments. The financial institution informs the bailiff within eight days of receiving the letter of summons what amount it was able to apply the measure for, and after this the debtor's assets may be confiscated only up to the amount of the remaining claim. If the debtor does not have the specified amount of money, another asset will be confiscated.

Where a specified object is to be blocked, the debtor may continue to use if it does not have to be physically locked but is not free to dispose of it. If the bailiff physically locks the object, it is an offence to open the room storing it, remove the seal indicating the blockage or dispose of or use the blocked object and the offender will be prosecuted (violation of seals).

3.3. What is the validity of such measures?

The court decides by way of order on the application for an interim injunction. The order remains in effect until it is rescinded or, if it is not rescinded, until an order is made closing the case or when it takes legal effect at first instance.

A precautionary measure remains in effect until the order for enforcement of the claim is made or until the court decides to terminate the precautionary measure.

Provisional enforcement means the enforcement of the obligation laid down in the ruling before it acquires legally binding effect, whether or not there is an appeal. This has therefore no limit in time.
4. Is there a possibility of appeal against the measure?

There is a possibility for a separate appeal against the order for an interim injunction. The general rules govern the submission of this appeal. The limit is 15 days. The appeal must be lodged at the court that made the ruling. If the appeal is substantiated, the court rescinds its interim injunction. Otherwise, upon an application– or if the claimant abandons the claims – the court may change the order itself.

The court is obliged to order provisional enforcement in the cases listed in the Act. The defendant may, however, ask for provisional enforcement to be waived if it would mean a disproportionately severe burden for him/her. The application must be presented at the court hearing the case.

An appeal may be submitted against the order for a precautionary measure at the court hearing the case. This, however has no suspensory effect on enforcement. The parties may submit an appeal within 15 days of the announcement of the order.
Source:
http://ec.europa.eu/civiljustice/interim_measures/interim_measures_hun_en.htm

88) Are there simplified procedures for:

- [x] civil cases (small disputes)?
- [x] criminal cases (small offences)?
- [x] administrative cases?
- [ ] there is no simplified procedure

If yes, please specify:

In criminal cases the procedures handled with the omission of the trial.

In civil cases the procedures related to the order for payment procedure:
1. Order of payment procedure

Chapter XIX. of Act III. of 1952 on the Code of Civil Procedure regulates the order of payment procedure. The procedure is a non-contentious procedure, in which the court upon the unilateral claim of the entitled person summons the debtor – without granting him/her a hearing and omitting the procedure of proof – to comply with what has been put forward in the claim or to raise an objection against it.
1.1. Scope of procedure

What may be the scope of the procedure?

1. The claim may be submitted only for pecuniary claims or claims on movable assets. In the event of a pecuniary claim, only claims that are overdue and the amount of which is exactly specified may be enforced
2. There is no ceiling regarding the value of the claim that can be enforced via an order of payment.
3. In the event of a pecuniary claim exceeding the value of HUF 200 000, the creditor may initiate a proceeding of an order of payment or a lawsuit. If, however, the pecuniary claim does not exceed HUF 200 000, the application initiating proceedings will be dealt with by the court as an application for an order of payment. In the event of a claim on a movable asset the party is free to decide whether to enforce his/her claim by submitting an application or via an order of payment. If, however, he or she chooses the order of payment, under Article 315(1) of the Act on the Code of Civil Procedure it is obligatory to indicate alternatively the amount which the entitled person claims to receive instead of the movable asset (alternative application). According to the established practice, if beside the claim on the movable asset the value of the pecuniary claim indicated in the alternative does not exceed HUF 200 000, the court considers the application as a claim for an order of payment.
4. The law rules out the issuing of an order of payment if the debtor, being a natural person does not have a domestic permanent address or place of residence, or the debtor, being a legal person (or company not having a legal personality) does not have a domestic seat – that is, if the known permanent address, place of residence or seat of the debtor is abroad, or if the whereabouts of the debtor is unknown.

1.2. Competent Court

Which court can be consulted with a claim for issuing an order of payment?
The court having general jurisdiction is entitled to issue an order of payment, that is the court in whose area of jurisdiction the debtor lives or resides, or the legal person, has its registered office. If his/her permanent address or habitual residence is not known, it is not possible to issue an order of payment.
1.3. Formal requirements

What are the formal requirements regarding the claim for issuing an order of payment?

1. The creditor must submit the claim for an order of payment in a written form, by using a special form for this purpose. The form can be obtained at the courts. The form consists of two parts, thus the requesting person has to present both the part concerning the submission of the claim and the part concerning the issuing of the order of payment. A party acting without a legal representative may present the claim before the court orally, as well. In such a case the court does not prepare a formal record but fills in the form in line with the claim. Claims must state:
* data from which the jurisdiction of the court can be determined,
* the name and permanent address of the creditor and the debtor (and their representatives),
* the claim to be enforced, its legal basis, amount and contributions and data and evidence serving as a basis for the claim.
2. In the event of an order of payment procedure, representation by a lawyer is not compulsory.
3. After the court, by issuing the order of payment, summons the debtor to comply, the court asks for the precise and unambiguous stating of the legal grounds, amount and contributions of the claim, and it checks its own motion that the claim fully complies with the legal requirements. If the claim does not comply with the minimum requirements, or some parts of the form were not filled in, the court asks the requesting person to remedy the deficiencies.
4. As in the order of payment procedure the question of evidence does not arise, there is no need to provide written evidence.

1.4. Rejection of application

Under what circumstances may the application for issuing an order of payment be rejected? Does the court examine whether the claim is justified before issuing an order of payment?
An application for an order of payment may be rejected on the basis of points a)-g) or j) of Article 130 (1) of the Act on the Code of Civil Procedure. That is, the court may reject the application if:

1. on the basis of a law or international agreement it can be excluded that the Hungarian court has jurisdiction in the case;
2. the claimant's claim is within the jurisdiction of another court or authority or another court has jurisdiction in the case, but Article 129 may not be applied due to the lack of necessary data;
3. proceedings by another authority must precede the trial;
4. there is already an ongoing action between the parties based on the same factual basis, for the same rights – either before the same, or before another court - or a legally binding ruling has already been made;
5. the party has no legal capacity in the case;
6. the claimant's application is premature or – for some reason other than limitation - cannot be enforced by a court;
7. the action is not brought by the person entitled to do so by law, or the action may only be brought against a person defined by law, or the participation of certain persons in the trial is compulsory and the claimant - in spite of a summoning - did not call on this person (these persons) to appear;

8. the claimant did not submit the application received to remedy deficiencies by the deadline set, or it was submitted once again with deficiencies and so the application cannot be judged upon. The application for an order of payment is also rejected if the debtor's registered office or permanent address is unknown.

When administering the application for an order of payment the court also has to examine on its own initiative whether it has jurisdiction to issue the order of payment, and if necessary, it must establish the facts to an extent that enables taking a satisfactory stance on the question whether the case is within the court's jurisdiction.

At the same time the law enables the court to transform the order of payment procedure into a trial, that is to set a deadline for a hearing on the case if it believes that the application has no legal basis, its existence seems contestable or the application is made for the purpose of committing a criminal offence.
1.5. Appeal

Can the applicant appeal against the rejection of an application for issuing an order of payment?

After the application for an order of payment has been rejected, the applicant may take the claim to a full trial. In theory, the applicant may appeal against the ruling rejecting the order of payment, but if he or she submits the application again, the effects of litigation remain.
1.6. Statement of opposition

In the case of issuing an order how much time does the defendant have to contest the application? What are the possible requirements of form for the contesting statement?

The debtor may contest the application within 15 days of the serving of the order of payment. If the debtor fails to do this out of no fault of his own, the consequences of the failure can be remedied with evidence.

The statement of opposition is a statement by the debtor saying that he or she denies or opposes the legal basis or the amount of the application for an order of payment and on the basis of this asks for a hearing, that is, to transform the procedure into a full trial. Before the deadline for submitting the statement of opposition the submission presented from the debtor is considered to be a statement of opposition if it is clear from it that the debtor does not accept or does not approve of the order of payment or the part of it that demands compliance being given mandatory force. There are thus no formal requirements for the statement of opposition. The only requirement concerns the number of copies submitted, as the statement of opposition always has to be submitted in one more copy than the number of parties concerned by the proceedings.

1.7. Effect of statement of opposition

What happens if the defendant opposes the claim in time? Is the case included in the normal court proceedings automatically or at request?

The legal consequence of the statement of opposition submitted by the debtor or the person authorised by law is the following: the proceeding out of court, if the additional costs are paid and so the court costs are covered, will automatically become a trial before court. If additional costs are not paid, the court terminates the proceedings. The statement of opposition initiates the procedure. In the event of a statement of opposition the rules governing proceedings started with an application have to be applied, and the creditor is considered to be the claimant while the debtor is considered to be the defendant.
1.8. Effect of lack of statement of opposition

What happens of the defendant does not oppose the claim in time?

1. If the debtor does not comply with the summons in the order of payment and does not oppose it before the deadline and in the prescribed manner, then the order of payment will have the same effect as a legally binding ruling. In this case the order of payment will become effective fifteen days after it was served. The legally binding order of payment means a judgment in the case, and until it is opposed with an application for retrial, no claim can be enforced on the same factual basis, for the same rights, between the same parties.
2. The court provides the creditor with a copy of the order of payment with a clause for making it legally binding on the debtor, so this person does not have to take any further action in connection with the enforcement order.
Source:
http://ec.europa.eu/civiljustice/simplif_accelerat_procedures/simplif_accelerat_procedures_hun_en_order.htm#1x

Existence of a special Small Claims procedure:

As a general rule, for enforcing small claims the creditor has the order of payment as an available option, that is he or she will generally speaking have to decide whether to enforce the claim according to the rules of the normal procedure or via an order of payment.

During the normal court proceedings, however, different appeal and second instance procedural rules apply for small claims. Sections 256/B-256/E of the Act on the Code of Civil Procedure contain these special rules.

The provisions limit the right to appeal in small claims cases if the law itself defines the circumstances in which an appeal may be brought, and they simplify the proceeding of second instance.

The application of these rules based on Section 256/B of the Act on the Code of Civil Procedure:

concern rulings of the court of first instance;
against which an appeal has been made and which has been made in a property case;
where the amount of the appeal does not exceed the maximum limit determined by law.

Under the law, if any of these conditions is not met, the normal rules apply for the

appeal against the ruling as well as for the appeal against the orders.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

☑ Yes
☐ No

89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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. Case flow management and timeframes of judicial proceedings

90) Comment:
The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.
Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.
Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. `12	Incoming cases	Resolved cases	Pending cases on 31 Dec. `12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	NA	1129126	1176429	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	142113	432443	454369	120187
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	12263	69781	69946	12098
3. Non litigious enforcement cases	39522	177075	192368	24229
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases**	NA	385241	394348	NA
6. Administrative law cases	6483	12595	13599	5479
7. Other cases (e.g. insolvency registry cases)	56882	51991	51799	57074

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

Non-litigious proceedings: Civil proceedings which do not fall under the civil procedural law, but simpler procedural law.
1. Non-litigous proceedings pursuant to the Act III of 1952 on the Code of Civil Procedure:
- recusation of a judge
- registration of general power of attorney
- attempt for agreement
- procedure of the requested court
- preliminary taking of evidence

2. Non-litigious proceedings regulated by other acts are for example:
- cessation of marital property settlement
- declaration of missing
- declaration of death
- review of medical treatment of psychiatric patients
- non-litigious proceedings for protection of industrial property rights
- court deposit
- administrative non-litigious proceedings
- company registration procedure
- registration of foundations and non-governmental organizations

93) If "other cases", please indicate the case categories included:

Insolvency registry cases, labour cases, misdemeanour cases.
Misdemeanor procedure

In misdemeanor cases proceeds the misdemeanor authority (the police, the district office, or the National Tax and Customs Office). The person charged by a misdemeanor may apply to the court for reviewing the decision of the authority. The sections of misdemeanor of the district courts act in that procedure. The court passes ruling without oral hearing based upon the documents available or the court sets a hearing if the person charged by a misdemeanor requests it or the court finds it necessary. The ruling of the court is a final and executable decision.

94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending

cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	71916	334352	305892	100376
8. Severe criminal cases	53874	134238	139496	48616
9. Misdemeanour and / or minor criminal cases	18042	200114	166396	51760

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

Misdemeanor procedure

In misdemeanor cases proceeds the misdemeanor authority (the police, the district office, or the National Tax and Customs Office). The person charged by a misdemeanor may apply to the court for reviewing the decision of the authority. The sections of misdemeanor of the district courts act in that procedure. The court passes ruling without oral hearing based upon the documents available or the court sets a hearing if the person charged by a misdemeanor requests it or the court finds it necessary. The ruling of the court is a final and executable decision.

Act C of 2012 on the Criminal Code
CHAPTER III
CRIMINAL LIABILITY
Criminal Offenses
Section 4
(1) 'Criminal offense' means any conduct that is committed intentionally or - if negligence also carries a punishment - with negligence, and that is considered potentially harmful to society and that is punishable under this Act.
(2) An 'act harmful to society' means any activity or passive negligence which prejudices or presents a risk to the person or rights of others, or the fundamental constitutional, economic or social structure of Hungary provided for in the Fundamental Law.
Section 5
Criminal offences may be classified as felonies and misdemeanors. Felony is a crime committed intentionally which is punishable under this Act by imprisonment of two or more years. Every other criminal offense is a misdemeanor.

Classification of Crimes in Hungary
Legal classification
Hungarian law differentiates between felonies and misdemeanors, depending on the seriousness of the crime.
Felonies are intentional crimes that can result in sentences of more than 2 years imprisonment. All other crimes are misdemeanors. All unintentional crimes (for example, nonintentional homicide) are misdemeanors. All intentional crimes that have a
penalty of less than 2 years of imprisonment are misdemeanors.
Hungarian law also includes civil offenses, which comprise offenses mainly against public administration. However some criminal offenses, such as property crimes involving objects of small value (under 50000 HUF~170€), are placed in this category as well. Civil offenses fall under the jurisdiction of various administrative agencies, local governments or traffic police, but not the courts.

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

mail CN 3/1/14: explication sur les différences entre les données 2010 et 2012:je ne peux pas donner des explications spéciales concernants le volume des catégories différantes d'affaires, parce que ce n'est pas rare chez enosu en Hongrie pareil changement, d'une année a l'autre:

97) Second instance courts: total number of cases
Number of "other than criminal law" cases.
If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	14 630	52 532	52 936	14 226
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	8 318	23 451	23 668	8 101
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	4 040	19 728	19 409	4 359
3. Non litigious enforcement cases	177	664	661	180
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	45	203	205	43
6. Administrative law cases	460	1 761	1 909	312
7. Other cases (e.g. insolvency registry cases)	1 590	6 725	7 084	1 231

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	7584	42903	42465	8022
8. Severe criminal cases	7538	42009	41561	7986
9. Misdemeanour and/or minor criminal cases	46	894	904	36

Comment :

99) Highest instance courts: total number of cases
Number of "other than criminal law" cases:
If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	1240	2571	2426	1385
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	25	374	360	39
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	6	31	19	18
6. Administrative law cases	1048	1824	1625	1247
7. Other cases (e.g. insolvency registry cases)	830	979	1074	735

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

- ○ Yes. If yes, please indicate the number of cases closed by this procedure?
- ◉ No

Number

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	240	1661	1649	252
8. Ssevere criminal cases	240	1661	1649	252
9. Misdemeanour and/or minor criminal cases	NAP	NAP	NAP	NAP

Comment :

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	16.416	27394	30676	13134
Employment dismissal cases	3389	5119	5364	3144
Insolvency	62	124	135	51
Robbery cases	1282	2184	2118	1348
Intentional homicide	370	491	532	329

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	3,2	NA	NA	NA	NAP	NA
Employment dismissal cases	NA	NA	NA	NA	NAP	NA
Insolvency	NA	NA	NA	NA	NAP	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

The provisions of civil procedural law shall apply to matrimonial proceedings subject to the exceptions set out in the Act III of 1952 on the Code of Civil Procedure.

Matrimonial proceedings shall cover actions for voiding a marriage and for the annulment of a marriage, that is to say, actions for establishing the validity or the existence or non-existence of marriage, as well as actions for the dissolution of a marriage.

Special provisions for the divorce cases:
the court shall examine the parties present during the first hearing. If the plaintiff fails to appear in person at the first hearing, the case shall be dismissed.

The court may attempt at any time during the proceedings to steer the parties towards reconciliation. If during the first hearing in a divorce case the parties fail to settle their differences, the court shall postpone the hearing, and shall advise the parties of their right to request continuation of the proceedings within three months in writing, otherwise the case shall be dismissed. The court shall set the date of the next hearing thirty days after the time of submission of the application.

If dissolution of the marriage was requested jointly, or the parties have no child of minor age, the court shall proceed to hear the case on the merits during the first session.

It is an important deviation from the general rules, that the court may order the taking of evidence of its own motion where deemed necessary.

If the marriage is dissolved, the court shall decide - if deemed necessary - concerning the placement and maintenance of the couple's minor children even in the absence of a claim filed therefor.

Matrimonial Proceedings

Application of General Rules of the Code of Civil Procedure
Section 276
(1) The provisions of Chapters I-XIV shall apply to matrimonial proceedings subject to the exceptions set out in this Chapter.
(2) Matrimonial proceedings shall cover actions for voiding a marriage and for the annulment of a marriage, that is to say, actions for establishing the validity or the existence or non-existence of marriage, as well as actions for the dissolution of a marriage.
(3) The provisions governing actions for annulment shall also apply to actions for establishing the validity, the existence or non-existence of a marriage.
Jurisdiction
Section 277
(1)1
(2)2 In respect of matrimonial proceedings the court in whose jurisdiction the last home of the married couple was located shall also be declared competent.
(3)3 If there is no Hungarian court considered to have jurisdiction for matrimonial proceedings neither under Section 29 nor under this Section, the Pesti Központi Kerületi Bíróság (Pest Central District Court) shall handle such actions.
(4)4 Where matrimonial proceedings are already in progress, another action relating to the same marriage and an action for property rights arising out of the matrimonial relationship must be heard by the same court.
Legal Status and Representation of the Persons Involved in the Action
Section 278
In matrimonial proceedings the spouse with limited legal capacity shall have complete competency in legal proceedings.
Section 279
(1)5
(2) In matrimonial proceedings no intervention is allowed.
(3)6 In connection with matrimonial proceedings the signature on a power of attorney provided to a person other than a law firm or an attorney, or the initials affixed on a power of attorney made to any person must be certified by a notary public.
(4)7 If the court has decided to examine the spouses' child of minor age, as an interested party in the action in accordance with Section 74 of the Family Welfare Act, a guardian ad litem shall be appointed to the child in justified cases. Furthermore, the court may decide to hear the child without the parents being present. These rules shall also apply to actions concerning the placement of a child.
Section 280
Filing for Action
Section 281
(1)9 An action for annulment shall be filed by a spouse against the other spouse, or by the public prosecutor or a third party authorized to bring action against both spouses. If the party against whom the action is to be brought is no longer alive, the guardian ad litem appointed by the court shall be named as the defendant in the action. If the party has no competency in legal proceedings, and there exists any conflict of interest between this person and his legal representative, the court shall appoint a guardian ad litem to represent this party.
(2) In matrimonial proceedings Section 127 may not be applied.
Section 282
In front of the court of matrimonial proceedings a joint action may be filed only if it pertains to the annulment or dissolution of the same marriage, or to the origin, placement or maintenance of a child, or if the action concerns property rights arising out of the matrimonial relationship (Section 292).
Section 283 1)1 In matrimonial proceedings, the statement of claim shall contain information concerning the contracting of the marriage and the birth of any living child from the marriage, and information to support the right for bringing the action to the extent appropriate. The documents supporting the information supplied shall be enclosed with the statement of claim, except if they can be verified by a personal identification document, however, this shall be indicated in the statement of claim.
(2)2
(3) The public prosecutor shall be notified that an action for annulment has been opened with a copy of the statement of claim

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

The calculation of the length of the proceedings based on the related Rules of the National Council of Justice. In criminal cases that are under process the duration of the procedure shall be counted from the date of the submission of the initiating document. In case of criminal procedure where the proceedings of first or second instance are re-instituted due to repealing the original decision, the duration of the procedure shall be counted from the date of the original date of the submission of the case. The length of the suspension of the case should be deducted from the duration.
In case of retrial and supervision of the case, in the reinitiated procedure the length of the basic procedure should not be taken into account.

In civil cases that are under process the the duration of the procedure shall be counted from the date of the submission of the initiating document to the court that provides the data. In civil procedures where the proceedings of first or second instance are re-instituted due to repealing the original decision, the duration of the procedure shall be counted from the date of the original date of the submission of the case. The length of the suspension of the case should be deducted from the duration. In case of retrial and supervision of the case, in the reinitiated procedure the length of the basic procedure should not be taken into account.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- [x] to conduct or supervise police investigation
- [x] to conduct investigations
- [x] when necessary, to request investigation measures from the judge
- [x] to charge
- [x] to present the case in the court
- [x] to propose a sentence to the judge
- [x] to appeal
- [x] to supervise the enforcement procedure
- [x] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [x] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [x] other significant powers

If "other significant powers", please specify:

Section 2

(1) To perform the duties laid down in Section 1, the Prosecution Service shall

a) conduct investigation of the cases specified in the Code of Criminal Procedure (hereinafter: CCP) (prosecutorial investigation);
b) exercise supervision to ensure that investigative authorities conduct independent investigations in compliance with the provisions of law (supervision of investigation);
c) exercise other rights in connection with investigations as specified under law;
d) practise the public authority of formal accusation in its capacity as public prosecutor; represent the prosecution in court proceedings and exercise the rights to redress reserved for the Prosecution Service in the CCP;
e) monitor legal compliance with the provisions of law governing penalties, ancillary penalties, measures, coercive procedural measures depriving and restricting personal freedom, follow-up care and the implementation of criminal records, records of administrative offences and searches and participate in proceedings instituted by judges responsible for enforcement;
f) participate in the correct application of laws in court proceedings (prosecutorial participation in contentious and non-contentious proceedings conducted at court under civil, labour, administrative and financial law);
g) promote legal compliance by entities exercising public powers and handling out-of-court settlement;
h) give special attention to combating crimes committed by and against minors, to compliance with the special rules of procedure of administrative and criminal proceedings instituted against juvenile persons; participate in enforcing the rights of minors and launch proceedings to have the necessary child protection measures taken in the cases provided for by law;
i) perform its share of the duties relating to international treaties, particularly seeking and providing legal assistance;
j) perform the duties relating to Hungary's participation in Eurojust;
k) act as defence in lawsuits filed against the Prosecution Service with reference to legal violations or for damages relating to its activities.

(2) The Prosecutor General shall perform the duties specified by law directly or via competent prosecutors.

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

- (●) Yes
- ( ) No

If yes, please specify:

Act CLXIII. of 2011 on the Prosecution Service*
Chapter I
General Provisions

Section 1

(1) The Prosecution Service shall contribute to the administration of justice by enforcing the punitive authority of the State under the terms provided for in the Code of Criminal Procedure; it shall control, supervise and conduct the process of investigation to prepare charges, represent public prosecution in court proceedings and supervise the legality of penal enforcement.

(2) In order to protect public interest, the Prosecution Service shall participate in ensuring that every person observes the law. If legal regulations are violated, the Prosecution Service shall take action to protect legality in the cases and in the manner specified by legislation. Unless otherwise provided for by law, the Prosecution Service shall act whenever the body designated to terminate the illegality fails to take the necessary measures despite its duties laid down in the Fundamental Law, in other acts or legal regulations or in legal instruments issued to regulate a public body or whenever the prevention of the impairment of rights arising from malfeasance demands immediate action from the Prosecution Service.
(1) To perform the duties laid down in Section 1, the Prosecution Service shall
(...)
f) participate in the correct application of laws in court proceedings (prosecutorial participation in contentious and non-contentious proceedings conducted at court under civil, labour, administrative and financial law);
Chapter IV
The duties of the Prosecution Service relating to the protection public interest

5 Common rules regarding the protection of public interest

Section 26

(1) The duties and powers the Prosecution Service performs as a contributor to the administration of justice outside the scope of criminal law and this Act shall be subject to separate statutes. Prosecutors shall exercise these powers in an attempt to eliminate non-compliance primarily by instituting contentious and non-contentious proceedings at court (right to file lawsuits), by launching administrative proceedings and pursuing legal remedy (hereinafter collectively: action).

(2) Unless otherwise provided for by law, prosecutors shall conduct a review ex officio to underpin prosecutorial measures if based on data or other circumstances revealed to the prosecutor it is reasonable to assume that serious legal violations, omissions have occurred or non-compliant conditions exist (hereinafter collectively: contravention of law).
(3) A prosecutor may serve a reminder seeking voluntary redress (hereinafter: reminder) to the adversary in cases requiring prosecutorial action where the adversary itself has the capacity to remedy the circumstance that requires action, and shall set a deadline of 60 days in such a reminder for ceasing the contravention of law. The party addressed in such a reminder shall send the prosecutor supporting documents before the said deadline to notify the prosecutor of having rectified the contravention of law, having taken steps to convene a meeting in cases requiring a board decision or of its reasoned disagreement with the stipulations of the reminder.

(4) If the party addressed in the reminder fails to abide by the requirements made therein within the deadline set by the prosecutor or fails to respond or disagrees with the stipulations of the reminder, the prosecutor shall bring action in 30 days or notify the addressee of having terminated the proceedings. In matters requiring a board decision, the 30- -day deadline shall start on the date of the meeting of the board convened to make a decision.

(5) If the prosecutor's statutory right to action is discretionary, and the prosecutor decides to set aside action, the prosecutor shall notify the applicant seeking action in a reasoned resolution. The applicant may request a review of the resolution in a petition addressed to the superior prosecutor within 8 days of receipt. The applicant shall be informed of the right to review.

(6) The rules governing reminders shall be applied in the procedures that are subject to Sections 27-30, the exceptions set forth therein notwithstanding.

(7) Prosecutors shall point out to the person in charge of the competent body any deficiencies not classified as contraventions of law and minor contraventions that do not justify action in an indicative letter. If an indicative letter so requires, the person in charge of the competent body shall notify the prosecutor of its position concerning the indication within thirty days.

6 Prosecutorial participation in contentious and non-contentious procedures

Section 27

(1) Prosecutors

a) shall take part in lawsuits as claimants or as respondents in lawsuits filed against them,
b) may use their powers to take action in lawsuits between other parties, or
c) may join a lawsuit filed by another party in the cases and in the manner provided for by law.

(2) Prosecutors shall have identical rights to those held by the party to contentious and non-contentious proceedings launched under law by or against the prosecutor.

(3) Prosecutors acting in a lawsuit shall exercise the rights of the party, but shall respect the parties' right of disposal.

(4) Prosecutors shall have the right to seek redress against decisions delivered in contentious and non-contentious proceedings to be communicated by law to the prosecutor in any manner. Furthermore, prosecutors shall have the right to seek redress even if they were not party to the proceedings or in case communicating the decision to the prosecutor was not required.

(5) Prosecutors may file a lawsuit under statutory requirements particularly in connection with:

a) disposition over national assets,
b) misappropriation of public funds,
c) terminating grievances of public interest caused by void contracts,
d) data entered into public registers,
e) the protection of the environment, nature and arable land,
f) contesting consumer agreements (general terms of agreement) of private individuals,
g) the modification of family status.

(6) Whenever a prosecutor is authorised under law to file a lawsuit, the proceedings shall be deemed to serve public interest.

7 Prosecutorial duties relating to certain legal entities and organisations without a legal personality

Section 28

(1) Prosecutors shall have the right to seek redress and file a lawsuit against judicial orders (administrative decisions) delivered to have certain legal entities and organisations without corporate body (hereinafter collectively: legal entities) entered into (registration) and removed from the public register or to have any of the registered data of legal entities modified. If data entered into a public register is or subsequently becomes non-compliant, prosecutors may initiate removal, correction or modification of such data under the terms provided for by law.

(2) If a prosecutor is authorised under law to review the legality of the operations of a legal entity, judicial orders (administrative decisions) delivered to have such legal entities entered into (registration) or removed from the public register or to have their registered data modified shall be communicated to the prosecutor.

(3) If the legality of the operations of the legal entity is subject to review by the courts, public administration or any other body applying the law other than the courts, prosecutors may launch a review of legal compliance procedure under the terms provided for by law.

(4) Prosecutors shall file a lawsuit to dissolve or wind up a legal entity or to restore compliant operations, if based on data or other circumstances revealed to the prosecutor it is reasonable to assume that the legal entity has wound up its operations or is pursuing activities in contravention of the Fundamental Law or any other legal regulation. Unless explicitly prohibited by law, prosecutors shall file a lawsuit whenever non-compliance jeopardises the lawful operation of a legal entity.
(5) Reminders prior to a lawsuit may be issued within 6 months after non-compliance is revealed before the prosecutor but no later than 3 years after the circumstance giving rise to the reminder occurs, except in the case of operations wound up and persistent non-compliance.

8 Prosecutorial duties relating to certain administrative procedures and institutions

Section 29

(1) Prosecutors shall verify the legality of individual decisions made and administrative measures taken by administrative authorities and other bodies applying the law other than courts, whether binding or final, provided the courts have not overridden such decisions.

(2) Unless otherwise provided for by law, prosecutors shall issue reminders for the sake of eliminating non-compliance in respect of (i) non-compliance affecting the merits of a decision by any authority of public administration within no more than a year after the effective date or after execution is ordered, (ii) a decision establishing an obligation, depriving or limiting a right before the period of statutory limitation terminates and (iii) a decision on securing a claim or the attachment of an asset as long as that condition exists.

(3) Prosecutors may issue reminders to have the enforcement of non-compliant decisions suspended. The addressee of the reminder shall immediately terminate enforcement until the case is decided and shall simultaneously notify the prosecutor thereof.

(4) Prosecutors shall submit their reminders to the supervisory body of the organ proceeding in the particular case. If the organ with decision making powers has no supervisory authority or reports directly to the Government, or in case supervisory action is prohibited by law, prosecutors shall submit their reminders to the decision making body.

(5) If the reminder fails to achieve the desired effect, the prosecutor shall contest at court the final decision delivered in the original case.

(6) The law may require prior prosecutorial approval for or may authorise the prosecutor to prohibit the execution of coercive measures ordered by certain administrative and infringement proceedings or the institution of regulatory (non-criminal) proceedings for the gathering of intelligence information.

(7) Prosecutors may supervise the compliance of the operation of institutions providing child protection services. The prosecutor may issue reminders to the person in charge of such an institution in an attempt to eliminate identified cases of non-compliance. In the event the person in charge of the institution disagrees with the reminder, it may contact

its maintainer organisation. The maintainer organisation shall start discussions with the superior prosecution service about the stipulations in the reminder and may at the same time decide to postpone the implementation of the proposed measure until the discussions are closed.

9 Prosecutorial duties relating to cases of administrative offence

Section 30

(1) If a sanctioning administrative authority sanctions a criminal act as if it were an administrative offence, prosecutors may issue a reminder against the decision during the period of statutory limitation of the criminal act.

(2) Reminders may be issued to the benefit of the perpetrator until the deadline for striking the data of the administrative offence from the records.

(3) In court proceedings, prosecutors may make statements about the comments of the sanctioning authority and may make a motion to have the case decided.

(4) Prosecutors shall evaluate complaints lodged against measures taken and decisions issued by sanctioning authorities according to the rules set by law. A prosecutorial decision shall be binding on the sanctioning authority.

(5) A sanctioning authority shall make its decision issued to dismiss the case available to the prosecutor.

(6) Prosecutors may seek legal remedy against final court decisions subject to a separate act with reference to reasons and in the cases defined by law.

106.1) Does the public prosecutor also have a role in insolvency cases?

(●) Yes

( ) No

If yes, please specify:
Act CLXIII of 2011 on the Prosecution Service*
6 Prosecutorial participation in contentious and non-contentious procedures

Section 27

(1) Prosecutors

a) shall take part in lawsuits as claimants or as respondents in lawsuits filed against them,
b) may use their powers to take action in lawsuits between other parties, or
c) may join a lawsuit filed by another party in the cases and in the manner provided for by law.

(2) Prosecutors shall have identical rights to those held by the party to contentious and non-contentious proceedings launched under law by or against the prosecutor.

(3) Prosecutors acting in a lawsuit shall exercise the rights of the party, but shall respect the parties' right of disposal.

(4) Prosecutors shall have the right to seek redress against decisions delivered in contentious and non-contentious proceedings to be communicated by law to the prosecutor in any manner. Furthermore, prosecutors shall have the right to seek redress even if they were not party to the proceedings or in case communicating the decision to the prosecutor was not required.

(5) Prosecutors may file a lawsuit under statutory requirements particularly in connection with:

a) disposition over national assets,
b) misappropriation of public funds,
c) terminating grievances of public interest caused by void contracts,
d) data entered into public registers,
e) the protection of the environment, nature and arable land,
f) contesting consumer agreements (general terms of agreement) of private individuals,
g) the modification of family status.

(6) Whenever a prosecutor is authorised under law to file a lawsuit, the proceedings shall be deemed to serve public interest.

107) Case proceedings managed by the public prosecutor
Total number of 1st instance criminal cases.
If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	221697	54201	16605	150891

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guily plea procedure:	22250	NA

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	54 201
1. Discontinued by the public prosecutor because the offender could not be identified	6 313
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	12 824
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases?

☑ Yes
☐ No

D.2 You can indicate below:
any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Q109 Total number of traffic offences cases in 2012: 3.084

Short summary of the workload of the judiciary see in: http://www.birosag.hu/en/information/short-summary-workload-judiciary

Q105
Act CLXIII of 2011 on the Prosecution Service*
Chapter I
General Provisions
Section 1
(1) The Prosecution Service shall contribute to the administration of justice by enforcing the punitive authority of the State under the terms provided for in the Code of Criminal Procedure; it shall control, supervise and conduct the process of investigation to prepare charges, represent public prosecution in court proceedings and supervise the legality of penal enforcement.

(2) In order to protect public interest, the Prosecution Service shall participate in ensuring that every person observes the law. If legal regulations are violated, the Prosecution Service shall take action to protect legality in the cases and in the manner specified by legislation. Unless otherwise provided for by law, the Prosecution Service shall act whenever the body designated to terminate the illegality fails to take the necessary measures despite its duties laid down in the Fundamental Law, in other acts or legal regulations or in legal instruments issued to regulate a public body or whenever the prevention of the impairment of rights arising from malfeasance demands immediate action from the Prosecution Service.

Section 2

(1) To perform the duties laid down in Section 1, the Prosecution Service shall

a) conduct investigation of the cases specified in the Code of Criminal Procedure (hereinafter: CCP) (prosecutorial investigation);
b) exercise supervision to ensure that investigative authorities conduct independent investigations in compliance with the provisions of law (supervision of investigation);
c) exercise other rights in connection with investigations as specified under law;
d) practise the public authority of formal accusation in its capacity as public prosecutor; represent the prosecution in court proceedings and exercise the rights to redress reserved for the Prosecution Service in the CCP;
e) monitor legal compliance with the provisions of law governing penalties, ancillary penalties, measures, coercive procedural measures depriving and restricting personal freedom, follow-up care and the implementation of criminal records, records of administrative offences and searches and participate in proceedings instituted by judges responsible for enforcement;
f) participate in the correct application of laws in court proceedings (prosecutorial participation in contentious and non-contentious proceedings conducted at court under civil, labour, administrative and financial law);
g) promote legal compliance by entities exercising public powers and handling out-of-court settlement;
h) give special attention to combating crimes committed by and against minors, to compliance with the special rules of procedure of administrative and criminal proceedings instituted against juvenile persons; participate in enforcing the rights of minors and launch proceedings to have the necessary child protection measures taken in the cases provided for by law;
i) perform its share of the duties relating to international treaties, particularly seeking and providing legal assistance;
j) perform the duties relating to Hungary's participation in Eurojust;
k) act as defence in lawsuits filed against the Prosecution Service with reference to legal violations or for damages relating to its activities.

(2) The Prosecutor General shall perform the duties specified by law directly or via competent prosecutors.

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Q91, 94, 97, 98, 99, 100, 101, 102 Statistic Department of the National Office for the Judiciary

Q107 and 108 Statistic Department of the Office of the Prosecutor General

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- [x] Mainly through a competitive exam (for instance, following a university degree in law)
- [ ] Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- [ ] A combination of both (competitive exam and working experience)
- [ ] Other

If "other", please specify:

The system of applications for judicial posts
The applicants will be ranked on the basis of the objective criteria specified in the Act.
The ranking will be determined by the Judicial Councils of the courts (bodies of self -government).
The president of the high court and of the tribunal will submit the proposal for appointment to the president of National Office for the Judiciary in line with the ranking, or by deterring from the ranking –with an attached reasoning.
The president of NOJ may select the person proposed for appointment from among the persons ranked first, second or third on the list.
However, if the person motioned for appointment by the President of the Republic is not the person ranked at the first place, the president of NOJ shall send a written notification on it to NJC, to be followed by oral information.
The president of NOJ is also obliged to provide general information to NJC on the practice of appointments, and the NJC shall form an opinion on this practice.

APPOINTMENT REQUIREMENTS FOR JUDGES
There are special requirements to be met to become a judge – these are defined in Section 4 of the Act CLXII of 2012:
-Hungarian citizenship
-Capability to act
-University degree in law
-Passing the professional legal examination
-Giving a property declaration
-Working at least one year in a position in which the professional legal examination is needed (e.g. court secretary)
-Being capable to work as a judge according to a physical and psychical examination

1. The President of the Court informs the President of the National Office for the Judiciary (NOJ) when a judge's position becomes empty at that court.

2. The President of the NOJ announces the call for applications to the empty judiciary position.

3. The Judicial Council (a self-governing body elected by the judges at each court) forms an opinion about the applicants and ranks them by giving points to evaluate their skills and attributes. During this procedure, the following skills and attributes can be evaluated:
- The evaluation of previous work (e.g. as a trainee judge, court secretary, judge)
- The time of legal practice and especially former judicial practice
- The opinion of the judicial division (only if this judicial body must form an opinion during the procedure)
- The result of the professional legal examination
- Degree in legal sciences (PhD)
- Special (legal) qualification
- Taking part in a study-trip to abroad
- Language knowledge
- Legal publication
- Taking part in the obligatory and facultative courses of the Judicial Academy
- Other professional activities (e.g. being a lecturer at the faculty of law)
- The result of the hearing at the Judicial Council

4. The President of the Court makes a suggestion to the President of the NOJ, which applicant should be appointed as a judge at the court. The President of the Court can only suggest the applicant who is the 1st, 2nd or the 3rd in the rank formed by the Judicial Council. If he/she suggests the 2nd or the 3rd in the ranking, he/she must explain the reasons in a written form.

5. The President of the NOJ submits proposal to the President of the Republic who should be appointed as a judge. The President of the NOJ can only propose the applicant who is the 1st, 2nd or the 3rd in the rank formed by the Judicial Council. If he/she suggests the 2nd or the 3rd in tha ranking, the NJC must agree with the decision.

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- [ ] Yes
- [x] No

If "yes", please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- [x] An authority made up of judges only?
- [ ] An authority made up of non-judges only?

☐ An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The National Office of the Judiciary

APPOINTING OF JUDGES see in:
www.birosag.hu/sites/default/files/allomanyok/english/f_alod-d11-1.pdf
http://www.birosag.hu/sites/default/files/allomanyok/english/f_alod-d11-2.pdf

112) Is the same authority competent for the promotion of judges?

◉ Yes

○ No

If no, which authority is competent for the promotion of judges ?

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

○ Yes

◉ No

If "yes", please specify:

113) Which procedures and criteria are used for promoting judges? Please specify.

Individual tender notices specify the detailed requirements for the position to be filled.
Applications shall be submitted to the president of the court where the position is open; The president og the court shall interview the applicants and consult the competent members of the judiciary. The following criteria are important: the term of office of the trainee judge period, the court clerk period, the result of the evaluation process; in case of application to the position of the county court, regional court, Supreme Court the opinion of the related Chamber of the court.

7/2011. (III.4.) KIM decree on the detailed rules of the examination of applications of the judicial positions and ranking. Candidates shall submit their application for promotion to the president of the court concerned or the National Office for the Judiciary. A judge, when first appointed, shall be assigned by the National Office for the Judiciary. Subsequent assignments shall be made by the President of the Curia (Supreme Court) when appointed to the Curia, by the president of the court of appeal when appointed to the court of appeal, and by the presidentof the county court when appointed to a local court, employment tribunal or county court.

114) Is there a system of qualitative individual assessment of the judges' activity?

◉ Yes

○ No

If yes, please indicate the frequency

The evaluation of individual judges' performance is carried out based on Act CLXII of 2011 on the Legal Status and Remuneration of Judges. The evaluation includes an inspection of the material, procedural and administrative aspects of the activities of judges. More detailed rules are issued by the National Office for the Judiciary in this regard.

115) Is the status of prosecution services:

☑ Independent?

☐ Under the authority of the Minister of justice ?

☐ Other?

Please specify:

Act CLXIII of 2011 on the Prosecution Service
The Prosecution Service of Hungary is an independent organisation that is connected to the Parliament by the personality of the Prosecutor General.
The Prosecution Service of the Republic of Hungary is an independent body within the state organisation.

According to the Fundamental Law (Constitution) the Prosecution Service is led by the Prosecutor General who is elected by the Parliament for 9 years on the base of the recommendation of the President of the Republic. The prosecutors are subordinated to the Prosecutor General and they may be given order exclusively by the Prosecutor General and by the superior prosecutor.

Fundamental Law of Hungary
Prosecution
Article 29
(1) The Prosecutor General and the Prosecution Service are independent entities, and as such are the sole representatives of prosecution in the judicial system enforcing the punitive authority of the State. The Prosecution Service shall prosecute criminal offenses, take action against other illegal acts and omissions and facilitate the prevention of illegal acts.
(2) The Prosecutor General and the Prosecution Service shall:
a) exercise powers, in accordance with the relevant legislation, in relation to criminal investigations;
b) represent the prosecution in court proceedings;
c) supervise penal institutions as regards issues of legality;
d) perform, being the protector of public interest, other tasks and exercise other competencies specified by the Fundamental Law or other laws.
(3) The prosecution service shall be headed and directed by the Prosecutor General. The Prosecutor General shall appoint public prosecutors. With the exception of the Prosecutor General, public prosecutors shall be allowed to remain in office up to the statutory retirement age for old-age pension.
(4) The Prosecutor General shall be elected by Parliament on a recommendation by the President of the Republic for a term of nine years. A majority of two-thirds of the votes of all Members of Parliament shall be required to elect the Prosecutor General.
(5) The Prosecutor General shall report annually to Parliament on his or her activities.
(6) Public prosecutors may not be members of political parties and may not engage in political activities.
(7) The detailed provisions on the organizational structure and functioning of the Prosecution Service, as well as the legal status and remuneration of the Prosecutor General and public prosecutors, shall be laid down in an implementing act.

116) How are public prosecutors recruited?

- [ ] Mainly through a competitive exam (for instance, following a university degree in law)
- [ ] Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- [x] A combination of both (competitive exam and working experience)
- [ ] Other

If "other", please specify:
After the receipt of a law degree prosecutor trainees are recruited through a competitive exam.
As the Prosecution Service of Hungary trains its own trainees, the prosecutors are recruited from amongst them. Application to employment as a public prosecutor from outside the Prosecution Service is rare, although possible for anybody.
Hungarian citizens with a right to vote, a university degree in law and a professional qualification in law can be appointed Prosecutors. Prosecutors are first appointed for three years and thereafter for an indeterminate period of time.

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).)

- [x] An authority composed of public prosecutors only?
- [ ] An authority composed of non-public prosecutors only?
- [ ] An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:
The Prosecutor General of Hungary

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- ( ) Yes
- (•) No

If "yes", please specify:
There is no such provision. The proportion of women for many years higher than for men. In 2012, 59% of the prosecutors, the deputy-prosecutors 77%, while the trainee prosecutors were 69.7% of women.

118) Is the same authority formally responsible for the promotion of public prosecutors?

- (•) Yes
- ( ) No

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

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Procedure: Public prosecutors are chosen and promoted by the Prosecutor General of Hungary. He/She consults the Council of Prosecutors ahead of the decision.

Criteria for promotion: 1)Personal qualities: leaders must meet and have an appropriate managerial capabilities with high professional standards.
2) Work experience:several years (at least 5) specialist practice experience in appellate administration, specialized professional legal training or second degree , knowledge of specific field or matters, several years of management experience, proficiency certificate certified language skills , fluent language skills , good organizational skills , interpersonal skills . In some cases , the application should be accompanied by ideas managed for the operation of the department.

Criteria for employment: 1) Clean criminal record, 2) Hungarian citizenship 3) University degree in law, Second State Exam in Law 4) At least one year spent as a 'trainee in the 2nd stage of training (titkár)' or in a similar position that requires a Second State Exam in Law 5. Aptitude test(health, mental, physical) 6. Declaration about wealth and assets
+ The applicants are checked by the National Security Office (NBH)

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- ○ Yes
- ◉ No

If "yes", please specify:

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- ◉ Yes
- ○ No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	70
No	

Comment :
First appointment is 3 years renewable. After this probation period is appointed for a period undetermined.
The official age of retirement was 70 years old until March of 2013. During a transition period until 1 January 2023 will egal with the general age of retirement (65) for juges and prosecutors too. (modification by Act XX of 2013)

121.1) Can a judge be transferred to another court without his consent:

- ☐ For disciplinary reasons
- ☑ For organisational reasons
- ☐ For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards
Transfer and delegation of judges
see in: http://www.birosag.hu/sites/default/files/allomanyok/english/f_alod-d19.pdf

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	3
No	
NAP	

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	70
No	

Comment :
After the first three years as a prosecutor, the Prosecutor General of
Hungary appoints the public prosecutor for an undetermined period until 65 years old.
The official age of retirement was 70 years old until March of 2013. During a transition period until 1 January 2023 will egal with the general age of retirement (65) for juges and prosecutors too.

Act CLXIV of 2011 on the status and on the prosecutor's careers of the Prosecutor General, prosecutors and other prosecution staff (modification by Act XX of

2013).

The retirement of judges
The age when people should generally retire haven't changed sinc
e the 1st of January 2010.
The Act LXXXI of 1997 regulets as the following:
http://www.birosag.hu/sites/default/files/allomanyok/english/f_alod-d18.pdf

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	3
No	
NAP	

125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

NAP

E.1 You can indicate below:
- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

Q114:Judges shall be appointed for three years for the first time, after 3 years he will be evaluated for the first time. The investigation giving rise to evaluation shall be conducted by the division head, or by a judge appointed by him. As a result of the evaluation, the judge may be awarded the following evaluation grades: - excellent, suitable for promotion, - excellent and fully eligible, - eligible, - ineligible. The activities of a judge appointed for an indefinite term following an appointment for a fixed term shall be evaluated in the third year following the appointment and every eight years thereafter, and may be evaluated for the last time in the sixth year preceding the completion of the old-age retirement age applicable to the judge. A judge's activities shall be evaluated on an extraordinary basis if - the suspicion emerges for any reason that the judge is unable to perform his judicial activities for professional reasons, - requested by the judge himself. Earlier there were no objective criteria for the judicial appointment. The judicial councils tough voted on the candidates, but it was not determined what kind of attribute shall the judge have to receive a supporter vote. Considering this a regulation came into existence, the MoJ regulation 7/2011 on the particular rules of the assessment of the judge appointment proceedings and the scores given to form the ranking of applications. This regulation came into effect in March 2011. With introduction of the objective scores the judge appointment system became more transparent and calculable. However this doesn't mean that it is not necessary to follow up the operation of the system permanently in order to make the necessary modifications. With the changes of 2012-2013 it can be stated that in Hungary a steady, multi-player model of the judge appointment system is in operation.;Q123 The European Court of Justice (ECJ) on Tuesday struck down a Hungarian law that lowered the mandatory retirement age for judges. Hungary's Law No LXVII of 1997 on the legal status and remuneration of judge was amended in 2011 to require all judges, prosecutors and notaries to retire at the age of 62 instead of 70 as was previously stipulated in the law. Hungary said the change in the retirement age was intended to redress positive discrimination in favor of those persons affected because, in contrast to other public sector employees, they could not only continue to work until the age of 70 but could also, in several cases, combine their salary with the retirement pension to which they were entitled from the time at which they reached retirement age. The European Commission, however, argued that the Hungarian legislation at issue violated Article 2 of Directive 2000/78/EC in that it gave rise to age-based discrimination between, on the one hand, judges, prosecutors and notaries who have reached the age-limit for retirement fixed by that legislation and, on the other hand, those persons who may continue to work. The ECJ said: The disputed national measures, pursuant to which the fact that a worker has reached the retirement age laid down by that legislation leads to automatic termination of his employment contract, must be regarded as directly imposing less favorable treatment of workers who have reached that age as compared with all other persons in the labor force. Such legislation therefore establishes a difference in treatment directly based on age. The ECJ went on to say that because the amended law on the retirement age of judges, prosecutors and notaries was not proportionate to the objectives Hungary was pursing Hungary failed to fulfil its obligations under Articles 2 and 6(1) of Directive 2000/78. In September 2013 Hungary has complied with the European Court's decision regarding early retirement for judges, European Commission Vice-President Viviane Reding said. The dispute between the Hungarian government and the European Commission appears to have come to a final end after 18 months, Reding, the EU justice commissioner, said late on Wednesday. After long dialogue Hungary has respected the legal opinion of the Commission and has brought its basic law in line with EU law on all issues where concerns were raised, Reding said. Hungary has also complied with a decision of the European Court made last November which upheld the Commission's position that early retirement affecting 10 percent of Hungarian judges is not in line with EU law, she added. Hungarian lawmakers adopted a law in March which targeted meeting the Luxembourg court's ruling on the matter. Fully 750 Hungarian judges were sent into retirement under a 2012 law which was later annulled by the Constitutional Court. Under the changes made in March, judges' retirement age will gradually drop from 70 to 65 by Jan.1. 2023, in line with the general retirement age. Hungary has respected the judgment of the Court of Justice in the case of the mandatory retirement of judges – said Viviane Reding, EU Commissioner for Justice, Fundamental Rights and Citizenship on Wednesday. It might mean the end to the more than 1,5-year-long debate between the Hungarian government and the Commission. The Parliament adopted the law that was intended to implement the judgment of the Court of Justice in March. This was the first time that Viviane Reding announced in public that this solution was accepted by the Commission. So far her spokesperson has only disclosed that Brussels was reviewing whether Hungary was working on the proper implementation of the decision. At a panel meeting in Brussels the vice president of the Commission referred to France as a phenomenon of the European rule of law crisis where the Roma fundamental rights were infringed; mentioned Hungary where the mandatory retirement of judges raised her concerns as well as the Romanian "rule of law crisis," where the decisions of the constitutional court were ignored and this endangered the rule of law. "After many exchanges, Hungary has respected the legal views of the Commission and has brought its constitution back in line with EU law with regard to all the points raised by the Commission. Hungary has respected – as the rule of law requires – the judgement of the Court of Justice of November last year which confirmed the Commission's view that the anticipated mandatory retirement of 10% of the Hungarian judiciary was not in line with EU law – noted Viviane Reding. Reding's statement regarding the respect of the decision of the court bears special significance since if the Commission had agreed that the Hungarian regulation had not implemented the decision, they could have started another proceeding for failure to fulfil an obligation. In this case they could have instantly turned to the Luxembourg court to ask for a fine. Pursuant to the regulation adopted in March the retirement age of the judges and prosecutors – after a transition period – will be reduced to 65 from 1 January 2023 parallel to that the general retirement age will have been risen to 65 by that time. The judge or prosecutor who reaches the retirement age during the transition period can decide whether they stay or step into "reserve-stock" or retire, and the same applies to judges with earlier mandatory retirement. Back then the government announced that the judges with mandatory retirement who were in presidential positions should automatically regain their earlier positions without any delay, while judges with other leading positions could regain their posts on their request if the posts had not been filled in the meantime. Pursuant to the act the re-instated judges were entitled to their salary for the period from their retirement to their re-instatement. Those judges whose re-instatement into leading positions was not possible could receive their benefits for their original full mandate. The judgement of the Court of Justice of the European Union of November last year stated that the lowering of the mandatory retirement age of the Hungarian judges from 70 to 62 means an unjustified age discrimination, thus it violates the prohibition of discrimination of the Union. MTI – Hungarian News Agency 4 Sept 2013;

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	Optional
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in courts	Annual / Regular (e.g. every 3 months)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Annual / Regular (e.g. every 3 months)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	Yes	Yes
One institution for prosecutors	No	No	Yes	Yes
One single institution for both judges and prosecutors	No	No	No	No

Comment :
In 2012 was established in law the one institution for initial training for trainee judges and trainee prosecutors, but in fact the common initial training did not began yet in the Hungarian Judicial Academy, it was provided separatly for judges and prosecutors in 2012.

The budget of the Hungarian Training Centre for Prosecutors was in 2012: 400 335 EUR.

The budget of the Hungarian Judicial Academy (for judges)was in 2012:
1 262 000 EUR

Modification by Act CXVII of 2012 (9 of July 2012):
Act CLXI of 2011 on the organization and management of the courts

"NEW CHAPTER XIII/A
The Hungarian Judicial Academy

171 / A § (1)The Hungarian Judicial Academy shall provide training to judges , part of prosecutors, and the training of other persons involved in the judiciary, and also performs the duties of a single central trainee's training.

2) The Hungarian Academy of Justice works within of the National Office for the Judiciary's organization.

(3)Entitled to remuneration The head of the Hungarian Academy of Head of the Department of Justice classification .

171 / B. § (1) The Chairman of the National Office for the Judiciary with the consent of the Attorney General determines the operating conditions of the Hungarian Judicial Academy, the principles of technical and economic operation .

(2) The President of National Office for the Judiciary shall prepare with the Prosecutor General of the single central trainee's training's curricula, teaching plan, and names of instructors .

(3) The President of National Office for the Judiciary annually agree with the Prosecutor General of the Hungarian Judicial Academy annual use plan , a joint trainings and maintenance costs is .

(4) The President of the National Office for the Judiciary and the Attorney General may enter into a special agreement with the Justice Minister in charge of Justice and the subject of international training courses in the framework of the Hungarian Judicial Academy. "

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

NAP

E.2 You can indicate below:
any useful comments for interpreting the data mentioned in this chapter
comments regarding the attention given in 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 public prosecutors and the main reforms that have been implemented over the last two years

In 2012 the President of the National Office for the Judiciary has decided to implement compulsory regular training for specialised judicial functions such as juvenile crimes, economic crimes, traffic crimes, drug abuse and trafficking cases. The trainings were organized in 2012 and carried out in 2013.

Regarding the European Convention on Human Rights and the case law of the Court the following trainings and courses were organized in 2012:
- two day seminar for EU trainer judges – Recent decisions of the ECHR (lecturer: Dr. Lipót Höltzl, director of the EU Law Office of the Curia); Cases and decisions against Hungary at ECHR (lecturer: Judge Tibor Katona, EUROJUST IJSB national contact)
- three day seminar on the procedure of the ECHR – Lectures, consultation, case study in English language (lecturer: Dr. Donat Ebert)

In the last two years there have not been any major reforms, nevertheless the Act on the Organization and Management of Courts was amended in 2012 regarding the Hungarian Judicial Academy. The institution has been renamed to Hungarian Academy of Justice, and the responsibilities has been widened: the Academy is partly responsible for the training of prosecutors and other contributors of justice (notars, advocates). According to this new task, the Academy has organized joint trainings in 2013, and long-range reform preparations has taken place.

JUDGES
1.
Training
The right of the community for a judiciary independent from the other branches of power should be accompanied with the expectation of having well prepared and fair judges who possess the moral qualities required by the judicial profession.
Consequently, in the course of developing the institutions of selection, assessment, promotion and removal, it is necessary not only to exclude the possibility of any unauthorized political or other influence, but it is also important to guarantee that only competent, well prepared and fair persons should become and be judges.
The operation of the Hungarian Judicial Academy offers a remarkable potential for the judiciary.
However, further developments are needed in this field, too:
-training committees, formerly organised in the specific fields, should be involved in the formation of the central training plans; the committees would propose the contentand the duration of trainings directly linked to the judicial work: it would eliminate the problem encountered by the judges not being aware of the agenda and the planned speakers at the time of the announcement of the professional trainings;
-the continuation and the improvement of e-learning courses;
-the Documentation Centre of the Hungarian Judicial Academy should deal not only with the integration of the library systems, but also with documenting regional and local trainings; providing access to the materials of the so called regional meetings for the judges who did not take part at the meetings would clearly improve the quality of the judicial work;
-the Hungarian Judicial Academy should continue to publish works, studies and study -aids assisting in the judicial activity;
-it would be desirable to reform the structure of the trainings offered by the Academy by involving the regional level, as the partial contribution of the high court level in providing the trainings (trainers) would result in reaching more judges with the training;
-there are certain procedural and administrative issues (e.g. handling international cases) where the Academy could operate a help-desk;
-organising international trainings, conferences, receiving and placing foreign trainees in the framework of the EU's institutional and exchange system;
-organising joint trainings in specific fields of law for prosecutors and judges, or judges and forensic experts.

Annual Report 2012 of the National Office for the Judiciary (NOJ):
Training
Main achievements of NOJ in 2012 with regard to the strategic aims of the president of NOJ to ensure the development of the training syste m as well as the co-operation with other legal professions:
Achievements
•the infrastructure of the Hungarian Academy of Just ice (HAJ) remained within the judicial organization
•introduction of new trainings
•increasing the number of trainings, trainers and the training participants
•access to HAJ for other legal professions
•preparation of the new judicial training concept, the establishment of the new strategy of HAJ
Future aims and tasks:
•creating a new training concept
•preparing the rules of the compulsory training
•beginning a joint central training for trainee judges and trainee prosecutors
•modifying the application sysytem for trainee judges
•organising HAJ trainings at general courts and general courts of appeal
•creating an expert database
•making a judge manual series
•renewing the website
•starting a scientific journal

PROSECUTOR's training:
Participation in the basic and further trainings is both right and obligation for the members of the p rosecution service. The participation is free of charge.

Basic training takes five semester during the three-year term of trainee-period whose aim is to prepar e for the special legal examination or to acquire theoretical and pra
ctical knowledge for pursuing prosecutorial work professionally.
After the nomination of junior prosecutor there is a two-semester special prosecutorial training that is finished by a professional prosecutor examination.
From 1st January 2006. the basic training is provided by the Hungarian Training Centre for Prosecutors instructors and trainees too. The further training of the prosecutors is
directed by the Department for Professional Training of the Office of the Prosecutor General.
Further Training:
(1) there is 20-25 courses and seminars within a year for 600 prosecutors (approx.) relating to current questions of application of the law organised by the Department
for Professional Training of the Prosecutor General.
(2) 250 (approx.) prosecutors take part in courses staged by other Hungarian judicial organisations;
(3) several prosecutors study within the frame of a five-semester postgraduate vocational lawyer training (at the field of criminology, of traffic law, of economic criminal law, etc.). These are supported by the prosecution service. The 15 percent of the prosecutors has second diploma.
(4) 100-120 prosecutors take part in the training programmes organised abroad for the period from 1 we ek until 3 weeks, mainly in the programmes suggested by the EJ TN and in the base of bilateral relationships (ERA, CEPOL, ENM (France), Deutsche Richterakademie, etc.).
Annually almost 1000 prosecutors participate in organised further trainings. Their costs are paid by the budget of the prosecution service.

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	17644	11152
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	35289	25476
Public prosecutor at the beginning of his/her career	17644	11152
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	34121	21235

Comment :

133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	Yes	Yes

134) If other financial benefit, please specify:
Judges and prosecutors have additional benefits such as meal contribution, on-duty bonus, housing allowances, resettlement assistance, social and schooling aid, family support, scholarship, aid for training, contribution for life and pension, supplementary insurance.

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.
Judges can also combine their work with artistic and design activities. According to the Act CLXII of 2011 on the Legal Status and Remuneration of Judges, judges in office may not engage in any other gainful activities with the exception of scientific, artistic, literary, educational and design activities; these activities, however, may not jeopardize his objectivity and impartiality or give the appearance of such impropriety; nor may they in terfere with the judge's official responsibilities.
Judges may not hold any executive office or membership in the supervisory board of a business association or cooperation; nor may they be members of a business association requiring personal involvement or unlimited liability.
Judges shall report their involvement in the activities referred to in Subsection (1) to the president judge of the court before their involvement commences.
Judges may not be members of arbitration tribunals.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function		

	Yes	Yes
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

Prosecutors can also combine their work with artistic and design activities. According to the Act CLXIV of 2011 on the Legal Status and Remuneration of Prosecutors, prosecutors in office may not engage in any other gainful activities with the exception of scientific, artistic, literary, educational and design activities; these activities, however, may not jeopardize his objectivity and impartiality or give the appearance of such impropriety; nor may they in terfere with the prosecutors's official responsibilities.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- ○ Yes
- ◉ No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- ☐ Citizens
- ☑ Relevant Court or hierarchical superior
- ☐ High Court / Supreme Court
- ☑ High Judicial Council
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament
- ☐ Executive power
- ☐ Other
- ☐ This is not possible

If "executive power" and/or "other", please specify:

In the event of any allegation of professional misconduct, disciplinary proceedings shall be initiated:
a) by the president of the National Office for the Judiciary in the case of executives who fall within the appointment authority of the National Office for the Judiciary,
b) by the Chief Justice of the Supreme Court (Curia) in the case of Supreme Court (Curia) judges,
c) by the president of the high court of appeal in the case of judges of the high court of appeal,
d) by the president of the county court in the case of local court judges and county court judges.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- ☐ Citizens
- ☐ Head of the organisational unit or hierarchical superior public prosecutor
- ☑ Prosecutor General /State public prosecutor
- ☐ Public prosecutorial Council (and Judicial Council)
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power
- ☐ Other
- ☐ This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

- ☐ Court
- ☐ Higher Court / Supreme Court
- ☐ Judicial Council
- ☑ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament
- ☐ Executive power
- ☐ Other

If "executive power" and/or "other", please specify:
Service Court (for disciplinary cases of judges)

Regarding the disciplinary proceedings against judges and the related compensations, as well as the disputes arising from the evaluation of their work as judges or as court executives from 1 July 2011 the First Instance Service Court has started its work at the Budapest Regional Court of Appeal Court and the Second Instance Service Court at the Curia.

The staff of the First Instance Service Court can be a maximum of 75 judges, menwhile that of the Second Instance Service Court 15.

The National Judicial Council defined the staff number of the Service Courts in its Decision No. 33/2012. (VI.18.).

The president and the the members of the Service Courts are appointed by the NJC. The rules of procedure which must contain the composition of the panels and the rules of the assignment are approved by the NJC and published on the central website of the courts.

The National Judicial Council with its Decision No. 85/2012. (XI.19.) approved the rules of procedure of the of the First and Second Instance Service Courts on 26 October 2011.

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- [ ] Supreme Court
- [ ] Head of the organisational unit or hierarchical superior public prosecutor
- [x] Prosecutor General /State public prosecutor
- [ ] Public prosecutorial Council (and Judicial Council)
- [ ] Disciplinary court or body
- [ ] Ombudsman
- [ ] Professional body
- [ ] Executive power
- [ ] Other

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	12	4
1. Breach of professional ethics	6	3
2. Professional inadequacy	6	1
3. Criminal offence	9	0
4. Other	3	0

Comment :
For Judges "Other" means: misdeameanor proceeding. 1+2 and 3+4 are the total number of disciplinary proceedings, that means:1+2 and 3+4 are the same proceedings.

For Prosecutors in case of 2. (Professional inadequacy), the disciplinary penalty was imposed in 2013

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	6	3
1. Reprimand	4	3
2. Suspension	0	0
3. Removal of cases	0	0
4. Fine	0	0
5. Temporary reduction of salary	1	0
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	0	0
8. Resignation	1	0
9. Other	0	0

Comment :

E.3 You can indicate below:
- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

National Office for the Judiciary (judges)
Office of the Prosecutor General (prosecutors)

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

13000

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

- ○ Yes
- ◉ No

148) Number of legal advisors who cannot represent their clients in court:

NAP

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- ☐ Civil cases?
- ☑ Criminal cases - Defendant?
- ☐ Criminal cases - Victim?
- ☐ Administrative cases?
- ☑ There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Lawyers have a monopoly of representation in civil cases before the appeal courts and the Curia (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.
The regulation on criminal procedures prescribes the presence of a defence attorney in the following cases:

* a criminal offence for which the law prescribes five or more years of imprisonment,
* the accused is being detained,
* the accused is deaf, mute, blind or – regardless of his/her legal capacity – mentally incompetent,
* the accused does not know the Hungarian language or the language of the proceedings,
* the accused is not able to personally defend himself/herself for other reasons,
* it is especially prescribed by law (e.g. in case of an accused minor).

The regulation of civil procedures prescribes legal representation in the following cases:

* for the parties submitting an appeal against a judgement in proceedings before the Court of Appeal as well as rulings made on the merits of the case or an appeal or petition for review specified by law in proceedings before the Supreme Court,
* in other cases defined by law (e.g. company law).

Source: http://ec.europa.eu/civiljustice/legal_prof/legal_prof_hun_en.htm

As a general rule, a case of first instance can be brought to court directly, it is not necessary to consult a lawyer. Section 73/A of Act III of 1952 on the Code of Civil Procedure lists the cases where the participation of a lawyer is obligatory. These are typically in connection with appeals procedures to be conducted before higher courts. In these cases the proceedings of the party proceeding without a legal representative are of no effect, therefore - in order to avoid this - the parties are usually represented by a lawyer in the proceedings.

There is of course the possibility of submitting the application by another authorised representative (a lawyer, for example) appointed by the party or its legal representative. If, however, the law provides otherwise and for example for the law makes personal participation obligatory in the relevant action, it is not possible to proceed via an authorised representative. The rules regarding who may be an authorised representative, who is excluded from the list of possible authorised representatives and the exact rules of authorisation are laid down in the Act on the Code of Civil Procedure, among the rules of representation.
Source: http://ec.europa.eu/civiljustice/case_to_court/case_to_court_hun_en.htm

150) Is the lawyer profession organised through? (multiple options possible)

- ☑ a national bar?
- ☑ a regional bar?
- ☐ a local bar?

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

- ☑ Yes
- ☐ No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- [x] Yes
- [ ] No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- [x] Yes
- [ ] No

If yes, please specify:
Mediation

Please indicate the sources for answering questions 146 and 148:

Database of the Hungarian Bar Association (Magyar Ügyvédi Kamara). The figures mentioned under Point 146 are the yearly average in year 2012. Including approx. 100 employed lawyers and 20 European counsels registered in Hungary, but not including approx. 2,000 articling lawyers, not yet admited to the bar.

F1 Comments for interpreting the data mentioned in this chapter:

Q147 and 148 Solicitors (jogtanácsos) The fundamental task of solicitors is to facilitate the operation of the organisation by which they are employed. Solicitors conduct legal representation within the organisation employing them, provide legal advice and information; prepare applications, contracts and other documents; and participate in organising legal work. As a general rule, solicitors – in contrast to attorneys – discharge their duties (which are not as extensive as those of attorneys) as employees. Solicitors' compensation is based on the regulations concerning employment. Any person entered in the register maintained by the county court – in Budapest (that is, the Metropolitan Court of Budapest) (Fővárosi Bíróság)– can become a solicitor. Applicants must: Hold citizenship in one of the member states participating in the Agreement on the European Economic Area (az Európai Gazdasági Térségről szóló megállapodás); Have no criminal record; Hold a university degree; Have passed the Hungarian professional examination in law; and Be entered in the register. In certain cases the Minister for Justice (az igazságügyért felelős miniszter) can grant exemption from the citizenship condition.Q150 National and territorial (20 counties) bar associations. Barristers/ Advocates (ügyvéd/ügyvéd) In the course of practising their profession, attorneys-at-law (ügyvéd) help their clients to assert their rights and perform their obligations. Attorneys (ügyvéd) can provide legal representation in all cases and before all authorities. Attorneys are independent in the course of their professional work, which means that they may not be influenced and may not undertake such liabilities that would endanger this independence. Activities subject to fees that may be performed only by attorneys include: Representation and defence in criminal cases; Legal consultation; The preparation and editing of legal documents; The handling of money and valuables on deposit in relation to the activities noted above. Although these do not fall exclusively within the scope of attorneys' activities, due to the requirements of today's economic life, attorneys may also provide services such as tax advice, real estate agency operations and out-of-court mediation (peren kívüli közvetítés). Attorneys' activities can be conducted by any person who has been admitted to the bar (kamara) and taken the lawyer's oath (ügyvédi eskü). In order to obtain admission to the bar, a person must have: Citizenship of a member state of the European Economic Area (Európai Gazdasági Térség); No criminal record; A university degree and Hungarian professional examination in law (jogi szakvizsga); Liability insurance and a suitable office space. Attorneys from the member states of the European Union may conduct attorney's activities in three basic forms in Hungary: as providers of ad hoc services, on a regular basis and as a member admitted to the bar. Providers of ad hoc services are obliged to report to the bar association (ügyvédi kamara) having competence in the place in which the services are provided if they provide legal services, while those wishing to provide regular attorney's services must register at the bar association having competence in the place where the office is located. European Union lawyers (európai közösségi ügyvéd) entered in the register can seek admission to the bar if they meet the requirements prescribed by law [e.g. the practice period prescribed by law has passed, they prove their competence in Hungarian law (as well as European Union law), they have adequate command of the Hungarian language to conduct their activities, etc.]. A European Union lawyer who has been admitted to the bar is entitled to use the professional title of attorney (ügyvédi cím) and is subject to the same rules as Hungarian attorneys. Attorneys have a confidentiality obligation in relation to all facts and data provided to them in the course of carrying out their professional activities. As a general rule, attorneys' compensation is subject to free agreement between attorneys and their clients. Attorneys' fees are only regulated if they act as public defenders (kirendelt védő) in court proceedings. Legal databases You can find more information on the website of the Hungarian Bar Association (Magyar Ügyvédi Kamara).

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

- [x] Yes
- [ ] No

155) Are lawyers' fees freely negotiated?

- [x] Yes
- [ ] No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- [x] Yes laws provide rules
- [ ] Yes standards of the bar association provide rules
- [ ] No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:

Q 154 Attorneys (ügyvéd) The Hungarian word ügyvéd is used for attorneys, advocats, solicitors, lawyers, and barristers. As a general rule, an attorney's fee is set by agreement between the party and the attorney. If no settlement is reached, the fee is decided by the court on the basis provided in law (5 percent of the claimed amount and at least 10,000 HUF). The parties can ask the judge to apply the fee stipulated by law if they do not want the settlement to become public. The homepage of the Budapest Bar Association (Budapesti Ügyvédi Kamara)

http://www.bpugyvedikamara.hu/valasszon_ugyvedet/az_ugyvedi_munkadijrol/ also contains information on attorneys' fees. Q156 - The law applicable on legal fees serves only as a guidence for the courts but not mandatory. As a general rule, the legal fees shall be agreed upon between the client and the lawyer before accepting the mandate. Excessive legal fees may be subject to disciplinary procedure.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determited for lawyers?

- ○ Yes
- ◉ No

If yes, what are the quality criteria used?

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

- ☐ the bar association?
- ☐ the Parliament?
- ☐ other?

If "other", please specify:

159) Is it possible to file a complaint about :

- ☑ the performance of lawyers?
- ☑ the amount of fees?

Please specify:
Both are possible, clients are free to file a complaint with the local bar association against a lawyer objecting his/her performance or the fees. Judges and other participants of a procedure may also submit complaints against a lawyer regarding his/her inappropriate and/or objectable performance.

The performance of the lawyer includes the misconduct, malpractice, ethical misbehaviour and alike, but not the quality of the performance if it does not qualify as a malpractice issue.

160) Which authority is responsible for disciplinary procedures?

- ☑ the judge
- ☐ the Ministry of justice
- ☑ a professional authority
- ☐ other

If other, please specify:
First and second instance disciplinary procedures are handled by the terrirotial (county) and the national bar association. The decision of the second instance decision of the Hungarian (national) Bar Association may be challenged before the Court.

Act XI of 1998 on Attorneys at Law
Proceeding Bodies
Section 42.
(1) A disciplinary tribunal formed in the first instance from the bar association's disciplinary committee and in the second instance from the disciplinary committee of the Hungarian Bar Association shall conduct the disciplinary proceedings against attorneys.
(2) The disciplinary tribunals of the first instance and the second instance shall consist of three members, with the exception specified in Subsection (3).
(3) The disciplinary tribunal of the second instance shall consist of five members if the disciplinary tribunal of the first instance imposed a penalty of disbarment or if the president of the bar association appeals the first decision by calling for disbarment.
(4) A tribunal appointed by the presidency of the Hungarian Bar Association shall proceed in disciplinary cases involving a president, vice president, secretary general, secretary or disciplinary commissioner of a bar association - including ordering a preliminary investigation.
The Disciplinary Commissioner and the Disciplinary High Commissioner
Section 43.
The disciplinary commissioner and the disciplinary high commissioner shall act on the instructions of the president of the bar association in proceedings of the first instance and on the instructions of the president of the Hungarian Bar Association in proceedings of the second instance.

Source: Act XI of 1998 on Attorneys at Law

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1 218

1. Breach of professional ethics	60
2. Professional inadequacy	0
3. Criminal offence	158
4. Other	1 000

Comment :
As regards to the total number of disciplinary proceedings, please note that from among approx. 1,700 complaints, about 500 complaints have proved to be completely unfounded and dismissed without commencing the disciplinary procedure. Another approx. 400 complaint was also proved to be unfounded as a result of the disciplinary procedure. The balance, approx. 800 complaints have resulted in disciplinary sanctions.

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	496
1.Reprimand	156
2. Suspension	115
3. Removal	44
4. Fine	181
5. Other (e.g. disbarment)	0

Comment :
Under Hungarian rules "Removal" and "Disbarment" are the same disciplinary sanctions.
Hungarian rules distinguish between disciplinary procedures (for misconduct and malpractice, mainly initiated by clients, courts or authorities) and procedures initiated for ethical complaints (mainly initiated by a lawyer against the objected lawyer complaining of unethical professional behaviour).

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

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

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

- (•) Yes
- ( ) No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- [x] Before going to court
- [ ] Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:
In legal disputes between business entities with legal personality, the parties shall make an attempt before lodging the claim to settle the case out of court. This procedure is not required if the parties make out a joint statement on their disagreement. The court - if there is any possibility to make it successful, particularly if requested by either of the parties - shall inform the parties as to the essence of mediation proceedings, on the availability of such proceedings, and in that context, on the rules for the stay of proceedings. If the parties reach a settlement in the mediation proceedings, it may be submitted to the court for approval. As a result of efforts that will materialize in the future, the Act V of 2013 on the Civil Code disposes, that the court in justified cases shall order the parents to have resort to the mediation proceedings in order to guarantee the adequate exercise of parental discretion and the necessary cooperation to it including the relation between the separately living parents and child. The legislator's aim is to broaden the scope of cases belonging to the mediation proceedings. The law as it stands does not make it compulsory for parties to use alternative dispute resolution mechanisms to settle disputes. However, in case of disputes between business companies, the mediation is mandatory before going to court. In the cases of court annexed mediation only judicial secretaries can work on mediation procedures, the system is closed.

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	Yes	No	No
Family law cases (ex. divorce)	Yes	Yes	Yes	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	Yes	Yes	No	No
Criminal cases	Yes	Yes	Yes	No	No

165) Is there a possibility to receive legal aid for judicial mediation procedures?

- (•) Yes
- ( ) No

If yes, please specify:

The rules governing the different types of proceedings set out clearly the system of payment of the costs to be borne by the parties. In certain cases the parties are free to agree on the fees and costs incurred in the proceedings, while in other cases the amounts are specified in legal regulations. In arbitration proceedings the court judgment sets the amount of costs and who is to bear them. In mediation proceedings the parties and the mediator are free to agree on the amounts of the fees and costs and who is to pay what; if the parties cannot agree on the latter, they pay them in equal proportions. In healthcare mediation proceedings the fees and costs involved are laid down by the law, but the parties are free to agree on how they are to be borne.

Since the entry into force on 1 April 2004 of Act LXXXX of 2003 on legal assistance, persons eligible for legal assistance under the Act can receive information from the legal assistance provider on the possibilities of settling a legal dispute out of court, or a document is drawn up that could help resolve the dispute. The legal adviser's fee is paid or advanced by the state according to the assisted person’s income and property.

In healthcare mediation proceedings the parties are free to agree on who bears the costs. Where the parties cannot agree, the law specifies who should bear the costs in particular cases. As a general rule it provides that the general costs of the proceedings are to be split equally between the parties. A separate regulation sets out the amount of general and ancillary costs of the proceedings.

Recourse to mediation is voluntary, but has certain advantages in relation to the Act on Duties (az illetékekről szóló törvény) and the Code of Civil Procedure (polgári perrendtartás).

If the parties participate in mediation after the first hearing and the agreement reached is ratified by the presiding judge only half of the applicable duties are payable. Even the fee payable to the mediator + VAT (HÉA) (but not more than 50.000 forints) may be deducted from this already reduced amount. The only restriction is that the final amount of duty may not be less than 30% of the original amount. The reduction does not apply if in a certain case mediation is not permitted by the law.

If the parties participate in mediation before civil proceedings, then the amount of court duty payable is reduced by the mediator’s fee + VAT, but by not more than HUF 50 000, provided that the court duty paid is not less than 50% of the original amount. The reduction does not apply if mediation is not permitted by law in the particular case or if the parties go to court in spite of the settlement reached through mediation (except to give effect to the settlement in the absence of voluntary compliance).

Certain courts make mediation available to parties free of charge for on-going proceedings. Detailed rules and a list of courts is available on the central website of the Hungarian courts. (http://birosag.hu/engine.aspx?page=Birosag_showcontent&content=Birosagi_kozvetites)

166) Number of accredited or registered mediators who practice judicial mediation:

1 606

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)		NA
1. civil cases		NA
2. family cases		NA
3. administrative cases		NAP
4. employment dismissals cases		NA
5. criminal cases	☑ Yes	6 410

Comment :
Criminal cases: 5953 by prosecutors, 457 by judges (source: Office of Public Administration and Justice).

Mediation in Hungary was initially regulated only for specific kinds of mediation (consumer protection, health care). The first general statutory regulation was adopted in the form of Act LV/2002 on Mediation, which even today remains the main legal source for mediation. Directive 2008/52/EC was implemented in Hungary in 2009. Since then, binding rules for the professional education of mediators have to be observed. The enforceability of settlements has been facilitated by allowing for subsequent approval by the court. Cost incentives have been extended. Recent reforms aim at the further strengthening of mediation as an alternative to court proceedings. Mediation may also be performed by way of video-conference.

Act LV. of 2002
on mediation covers civil disputes, but excludes mediation in libel
proceedings, the review of administrative decisions, guardianship proceedings, termination of parental responsibility, execution procedures, procedures for the establishment of paternity,
and cases initiated pursuant to a claim of unconstitutionality.
Recourse to mediation is voluntary, but has certain advantages in
relation to the Act on Duties and the Code of Civil Procedure.
The law as it stands does not make it compulsory for parties
to use alternative dispute resolution mechanisms to settle disputes.
Mediation is not free of charge; payment is subject to agreement between the mediator and the parties.
Under the Mediation Act, on termination of the mediation proceedings the parties may bring their dispute to court, since agreements made in mediation proceedings are not officially enforceable.
If the parties participate in mediation after the first hearing and th
e agreement reached is ratified by the presiding judge only half of the applicable duties are payable.
If the parties participate in mediation prior to the civil proceedings only an amount of duty - reduced by the mediator's fee+ VAT, but by not more than 50.000 HUF - must be paid, which cannot be less than 50% of the original amount of duty.
According to Directive 2008/52/EC, it must be possible to request that the content of a written agreement resulting from mediation be made enforceable. It is possible for parties to make the content of their agreement resulting from mediation enforceable. They can request the court or a public notary to incorporate the agreement into a judgment or an authentic instrument, which can be enforced afterwards.
According to Act 2002 LV. on Mediation the Ministry of Public Administration and Justice is responsible for the registration of mediators and of legal persons employing mediators.

A register of mediators and legal persons employing mediators is available on the website of the Ministry of Public Administration and Justice.
Registered mediator can be any natural or legal person, who fulfils the obligations (concerning university degree, mediation training etc.) set up by the law.
General information is available for users and it is possible to make separate searches for mediators based on name, language skills and county of operation.
Where legal persons are concerned, searches are based on name, county and abbreviated name.
The same website provides registration forms for mediators and legal persons employing mediators.
There is no national code of conduct for mediators, but the majority of mediation associations follow the European Code of Conduct for Mediators.
There are around 1.500 - 2.000 civil mediation cases each year.
1. Mediation in healthcare
Other fields of using mediation or ADR
Under Act CXV I 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.
2. 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 Famil
y and Social Policy.
http://www.kapcsolatugyeletek.egalnet.hu/object.2E8DB85C
-
FD87
-

3. 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.
http://www.tpk.org.hu/engine.aspx?page=tpk_MKDSZ_A_szervezetrol
(in Hungarian)
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.

168) Does the legal system provide for the following ADR :

If “other”, please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :
Council for the reconciliation of interests: a permanently operating macro-level, national forum for tripartite cooperation of representatives of workers, employers and the government. Its aim is the exploration of the interests of employers, employees and the government and efforts, reaching agreements, preventing and arranging national conflicts, exchanging information, monitoring the recommendations and alternatives.

Conciliation board: the aim of its proceeding is to try to arrange the matter of dispute between the customer and the business organization with a settlement. If it is inefficient: to decide the case in order to guarantee the quick, efficient and simple enforcement of customer's rights.

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.
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

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.
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.

Mediation Procedure in criminal procedure
Current Hungarian criminal law recognizes and applies mediation procedures in certain crimes against property of a lesser value. The application of this legal institution – by encouraging active remorse
and repayment of the damage – means real reparation for the victims, besides giving way to the state's criminal law interests [Criminal Code and Act XIX of 1998 (Code of Criminal Procedure)].

G.1 You can indicate below:
- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Q163: Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).Mediation on courts: On the basis of the decision of the National Office for the Juditiary a National Mediation Pilot Program had been taken place with the contribution of the National Mediation Association from 1 of March 2009 till 28 of February 2010, in order to examine the application, and/or efficiency of mediation in the course of civil procedures. The program justified – among others –, that the intention of the parties, that is, the settlement of dispute has been increased by the mere recommendation of the mediation. In the case of judicial mediation the procedure is initiated on the basis of the mutual agreement of the parties, the mediator proceeds – distinct from the judge – under the effect of the obligations of secrecy, the judge controls the mediation procedure and controls it from that aspect, which is, namely, that the content of the mutual agreement is to be suitable for the approval of the court. It is guaranteed that during the time period of mediation, he/she does not adopt a decision on the merits of the case, and simultaneously, there is no double procedure (procedure at the court and the mediator). Such legal instruments of the judicial shepherd, referring to the judicial mediation, appear in the legislation, which encourage the parties to choose the mediation procedure in compliance with the voluntary principle. Among these, the most significant are the modifications of the Civil Procedure Code, the Act on Charges, the Act on the Service of the Judicial Employees. The detailed rules in relation to the judicial mediation are provided by the Order 14/2002 (VIII.1.) of the Minister of Justice, the Rules on Judicial Case Management, and the Rules issued by the President of the National Office for the Judiciary. In October 2012 the judicial mediators have been appointed at six general court, who contribute in line with the fulfillment of their tasks in mediation in a way, that the judicial procedures are to be resolved in the shortest time possible in a satisfactory way for the parties. In the cases of court annexed mediation only judicial secretaries can work on mediation procedures, the system is closed. ;Act LV of 2002 on mediation covers civil litigation, but excludes mediation in libel proceedings, administrative proceedings, guardianship proceedings, proceedings on the termination of parental responsibility, enforcement proceedings, procedures establishing paternity or ancestry, and constitutional appeals.

Please indicate the source for answering question 166:

Q166: Number of mediators in civil cases. Ministry of Public Administration and Justice; A register of mediators and legal persons employing mediators is available on the website of the Ministry of Public Administration and Justice . Registered mediator can be an y natural or legal person, who fulfils the obligations (concerning university degree, mediation training etc.) set up by the law.The relevant legislation (Act LV of 2002 on mediation) allows, in addition to the national list of mediators established in other EEA Member States (ie living in the European Economic Area) mediator can act in a current case in Hungary. However, this requires that the foreign mediator announces the intention to the Ministry, which shall specify the rights for one year.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- (•) Yes
- ( ) No

170) Number of enforcement agents

198 (189 enforcement agents and 9 permanent substitutes)

171) Are enforcement agents (multiple options are possible):

- [ ] judges?
- [x] bailiffs practising as private professionals under the authority (control) of public authorities?
- [ ] bailiff working in a public institution?
- [ ] other enforcement agents?

Please specify their status and powers:

Enforcement measures are implemented by the judicial officers.

In civil cases, court judgments relating to a debt are enforced by independent judicial officers. They are appointed to the district courts by the Minister of Justice, and their jurisdictions are demarcated. A judicial officer's jurisdiction corresponds to the jurisdiction of the district court. Independent judicial officers ensure that debts are effectively recovered and that the rights of the debtor are respected.
Independent judicial officers

Independent judicial officers are not remunerated by the state, but directly by the creditor.

The activities of a judicial officer include:

enforcing court judgments on the basis of an enforcement certificate (végrehajtási lap) issued by the court;
implementing a measure containing an enforcement clause appended by the court;
enforcing a court decision ordering or prohibiting enforcement, in particular on the basis of a transfer order (átutalási végzés - a specific procedure for recovering debts), or an attachment of earnings order to recover maintenance (közvetlen bírósági felhívás).

A judicial officer's jurisdiction is either identical to the court's, or it is dependent on the location of the property.

In order to be appointed as a judicial officer, a person must:

be a Hungarian national;
have a clean criminal record;
be at least 24 years old;
enjoy full civil rights;
have successfully completed the professional exam;
have completed two year's training as an assistant judicial officer (végrehajtó-helyettes);
have a specialist post-graduate diploma;

Judicial officers act in accordance with a strict professional code of conduct, and they are professionally accountable.

In order to carry on the profession of a judicial officer, it is necessary to have a law degree (three years of study) or an equivalent diploma.

The judicial officers' profession is regulated by Law LIII of 1994 on the role of judicial officers and judicial enforcement (Vht.). Their fees are regulated by Decree 14/1994 (IX.8) IM.
1. The role of judicial officers

Under Law L.III of 1994, when enforcing a debt, a judicial officer may implement the following measures:

attach earnings or other benefits;
garnish a third party debt;
distrain against goods;
attach immovable property.

When implementing special enforcement measures, a judicial officer has the power to:

enforce an affirmative obligation;
implement temporary protective measures (e.g. a freezing order);
sell off property given as security;
enforce a foreign judgment;
confiscate assets.

172) Is there a specific initial training or examination to become an enforcement agent?

- (•) Yes
- ( ) No

173) Is the profession of enforcement agents organised by?

- [x] a national body?
- [ ] a regional body?
- [ ] a local body?
- [ ] NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- [x] Yes
- [ ] No

175) Are enforcement fees freely negotiated?

- [ ] Yes
- [x] No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- [x] Yes
- [ ] No

Please indicate the source for answering question 170:

Hungarian Chamber of Judicial Officers.

Bailiffs

Enforcement measures are executed by bailiffs (independent court bailiffs (önálló bírósági végrehajtó) and county court bailiffs (megyei bírósági végrehajtó)).

As a general rule, claims included in court decisions (bírósági határozat) made in civil cases are executed by independent court bailiffs. Independent court bailiffs are appointed by the Minister for Justice to join a given local court (helyi bíróság) in a given area of competence.

Independent court bailiffs are not employed by the State; their income is paid by clients as consideration for their work.

Their range of activities is the following:

Execution is based on a certificate of enforcement (végrehajtási lap) issued by the court;
Execution is based on a document with a writ of execution (végrehajtási záradék) issued by the court;
Execution is based on a judicial order or restraint of enforcement, or order of transfer (végrehajtást elrendelő, letiltó, átutalási végzés), furthermore, a decree of direct judicial notice (közvetlen bírósági felhívás).

County court bailiffs are active at county courts and the capital court (Fővárosi Bíróság). A county court bailiff shall be appointed by the president judge of the county court for an indefinite period of time, to serve under a specific county court. A tender for the office of a county court bailiff shall be announced by the president judge of the county court. The county court bailiff is the court office-holder employed by the county court, receiving benefits based on this labour relation.

County court bailiffs shall execute "judicial claims" (when the rightful owner of claim is the state); judicial claims are the costs of civil or criminal proceedings prepaid by the state. The collection of the costs of a criminal procedure, the confiscation of property and other penalties which are of a pecuniary nature are the task of county court bailiffs. The child support advanced by the court is qualified as judicial claims and its execution is also under the purview of county court bailiffs. In addition, County court bailiffs shall execute, if the rightful owner of claim is the court, the National Judicial Council, the National Office for the Judiciary, the Ministry of Public Administration and the Justice, and State Law Enforcement.

Bailiffs' area of competence coincides with the area of competence of the court.

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- (•) Yes
- ( ) No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- [x] a professional body
- [x] the judge
- [x] the Ministry of justice
- [ ] the public prosecutor
- [ ] other

If other, please specify:

The Hungarian Chamber of Judicial Officers is in charge of supervising the activities of enforcement agents. The supervising authority of the Chamber is the Ministry of Public Adminsitration and the Justice. Certain legal remedies are provided by the courts.

Judicial officers' liability

If the general rules governing the profession are not applied or are applied badly, the parties to the enforcement may suffer harm. In addition to this harm, the interests and rights of third parties may be harmed. Section 217 of the Law on enforcement provides that, if the judicial officer breaches or does not apply the law, it is possible to seek legal redress. This redress may be sought before the court which ordered the enforcement.

At the National Chamber of Judicial Officers, the National Board of Control hears complaints filed against judicial officers. It is also open to the public once a week by appointment.

After hearing the complaint, the National Board of Control may decide to transfer the matter to the Chamber's President who can commence disciplinary proceedings along with the Minister for Justice and the President of the district court. The disciplinary proceedings are conducted by the disciplinary tribunals for judicial officers, but the complaint must be lodged with the President of the district court with territorial jurisdiction.

The following disciplinary penalties may be imposed: a warning, a letter of reprimand, temporary suspension of duties, expulsion from a post within the Chamber, a financial penalty and permanent expulsion.

Judicial officers must take out insurance to cover any loss or harm.

179) Have quality standards been determined for enforcement agents?

- (•) Yes
- ( ) No

If yes, what are the quality criteria used?

Besides legislation, there are recommendations and directives issued by the Chamber’s bodies on financial management and filing of enforcement cases. Also, the professional code of conduct is being drawn up.

180) If yes, who is responsible for establishing these quality standards?

- [x] a professional body
- [ ] the judge
- [ ] the Ministry of Justice
- [ ] other

If “other”, please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- ( ) Yes
- (•) No

if yes, please specify

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- (•) Yes
- ( ) No

If yes, please specify

Being the professional body of enforcement agents, the Hungarian Chamber of Judicial Officers compiles quarterly statistics on enforcement cases, which is also forwarded to the Ministry of Public Administration and Justice. Also, inspections are regularly conducted by professional bodies of the Chamber.

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- [x] no execution at all
- [ ] non execution of court decisions against public authorities
- [x] lack of information
- [x] excessive length
- [ ] unlawful practices
- [ ] insufficient supervision
- [ ] excessive cost
- [ ] other

If "other", please specify:

184) Has your country prepared or 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:

A number of amendments have been introduced in 2012, however, they do not differentiate between decisions against public authorities and other parties.
The most significant novelty is the launch of the 'VIEKR' system, a tool based on intelligent documents and electronic signature, used for electronic transmission of enforcement documents between enforcement agents and other authorities who are obliged or allowed by law to join this network.
Also, from 1st September 2012, throughout the enforcement procedure, real estates can be exclusively sold through electronic auctioning.

185) Is there a system measuring the length of enforcement procedures:

- [x] for civil cases?
- [ ] for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- [ ] between 1 and 5 days
- [x] between 6 and 10 days
- [ ] between 11 and 30 days
- [ ] more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents.
If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of initiated disciplinary proceedings (1+2+3+4)	[x] number:	12
1. for breach of professional ethics		NAP
2. for professional inadequacy	[x] number:	10
3. for criminal offence	[x] number:	2
4. Other		NAP

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	[x] number:	12
1. Reprimand	[x] number:	3
2. Suspension	[x] number:	3
3. Dismissal	[x] number:	1
4. Fine	[x] number:	5
5. Other	[x] number:	0

Comment :

H.1 You can indicate below:
any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

The actors of enforcement - Hungary
http://www.europe-eje.eu/en/fiche-thematique/note-2-actors-enforcement-2

Please indicate the sources for answering questions 186, 187 and 188:

Hungarian Chamber of Judicial Officers

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- [x] Judge
- [ ] Public prosecutor
- [x] Prison and Probation Services
- [ ] Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The judge responsible for the execution of sentences has both initiative and control functions.

The work of judges in relation to enforcement proceedings relates to issuing the enforcement order and the legal remedies pertaining thereto.

Essentially, the courts' jurisdiction covers:

-staying enforcement proceedings,
-restrictions on enforcement,
-suspension of enforcement,
-settling preliminary objections, imposing fines,
-identifying which rights of the debtor or the creditor can be inherited,
-setting the terms of the respondent's affirmative obligation.

The courts are also competent to rule on disputes over enforcement measures found in the Civil Procedure Code.

The powers relating to the methods of enforcement are exercised by a judge sitting in court; at first instance the judge is assisted by registrar in the areas laid down in Sections 260-261 of the law on methods of enforcement (Vht.), and by administrators on enforcement and legal issues.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- ( ) Yes
- (•) No

191) If yes, what is the recovery rate?

- [ ] 80-100%
- [ ] 50-79%
- [ ] less than 50%
- [ ] cannot be estimated

Please indicate the source for answering this question:

National Chamber of the Judicial Officers (Magyar Bírósági Végrehajtói Kamara).

H.2 You can indicate below:
any useful comments for interpreting the data mentioned in this chapter
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. Functionning

192) Do you have notaries in your country? If no please skip to question 197.

- (•) Yes
- ( ) No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?	[ ] number	
private professionals under the authority (control) of public authorities?	[x] number	315
public agents?	[ ] number	
other?	[ ] number	

Comment :
The Ministry of Public Administration and Justice

194) Do notaries have duties (multiple options possible):

- [x] within the framework of civil procedure?
- [x] in the field of legal advice?
- [x] to certify the authenticity of legal deeds and certificates?
- [x] other?

If "other", please specify:
According to § 1 of Act VIII of 2008, as of 1 September 2008 the legalization of public documents issued (authenticated) by civil law notaries which are intended for use abroad and the issuing of Apostille for such public documents is done the Hungarian National Chamber of Civil Law Notaries.

The Hungarian National Chamber of Civil Law Notaries is issuing the legalization or the Apostille for the following public documents:
1. public documents bearing the signature and stamp of a Hungarian civil law notary,
2. authentic copies of an aforementioned public document issued by a notarial archivist,
3. authentic translations of public documents bearing the signature and stamp of a Hungarian civil law notary or authentic translations of authentic copies of notarial documents issued by a notarial archivist.

Notaries' exclusive range of activities includes registering legal transactions, legal statements and facts in public instruments. One of notaries' traditional tasks is to conduct probate and other non-litigious proceedings. Another important task performed by notaries is keeping records of chattel mortgages as well as handling deposits, in the framework of which they receive money, valuables and securities on the basis of the authorization received from the parties involved with the purpose of delivering them to the party entitled.

-issuing order for payment
-issuing European order for payment
-keeping a register of mortgages imposed on movables
-keeping a register of civil partnerships
-keeping a register of wills.

The new Civil Code - which will entire in force in 15 March 2014 - would refer several new non-litigious proceedings to the competence of the civil law notaries, for example keeping the register of the matrimonial and conjugal property contracts, conducting divorce upon the agreed request of the parties, as well as the dissolution of common law marriage upon the agreed request of the parties. In conclusion the codification enlarges the sphere of tasks of the notariat in the territory of non-litigious proceedings, thus wishing to strengthen the Hungarian Notariat's official character.

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- (•) Yes
- ( ) No

196) Which authority is responsible for supervising and monitoring notaries:

- [ ] a professional body?
- [ ] the judge?
- [ ] the Ministry of justice?
- [ ] the public prosecutor?
- [x] other?

If other, please specify:

The president of the county court concerning the legality of the notary's actions.

What public notaries do

The 700-year-old Hungarian public notary institution is a continental-type system, and distinguishes public and private documents in terms of "litigious proof". In Hungary the professions of solicitor and public notary are strictly separate. Hungarian public notaries – with the exception of a few cases – do not have exclusive powers. That means in a given case citizens can decide whether to turn to a solicitor or a public notary. Public notaries cannot provide legal representation, but, at the request of their clients, can submit their documents to the state records, for example the land or companies' registries. Public notaries are always lawyers, are commissioned by the state, and have numerous official tasks apart from preparing public documents, certifying and attesting.

Implement the law

The legal status of public notaries can be regarded as equivalent to that of judges, who do not proceed in lawsuits, and whose most important aims include preventing litigious proceedings. When preparing public documents – based on their judicial legal status – public notaries must act impartially as "independent implementers" of the law. In inheritance procedures, public notaries can also issue resolutions as a "court of first instance".

Public documents

Preparing public documents is an authority privilege, because it provides much stronger protection: unless proven otherwise facts set out in a public document must be regarded as true.

Public documents are similar to conciliation agreements reached before a court, witness a fact or lack thereof, and which meet the requirements of a court review. Public notaries keep an immediately enforceable original copy of the document without a time limit in their archive.

Documents deposited with a public notary are suited to allowing a prior claim to copyright or right of disposal to be proven. In the case of wills placed with a public notary, there is no need for witnesses.

Public notaries have powers in certain court procedures, including inheritance procedures of the first instance. In Hungary this is an independent public notary sphere of authority.

A new procedure is preliminary proof that provides the possibility of recording evidence prior to a court procedure.

Regional jurisdiction

The jurisdiction of public notaries in Hungary is linked to region. In inheritance cases, however, a ministerial decree assigns public notaries. Clients, however, can seek out any public notary, and some public notaries are authorised to proceed in foreign languages.

The Hungarian public notaries keep several national records. One example is the National Record of Wills, which contains wills executed before a public notary and ensures that they are not lost or forgotten.

Fees

The fees charged by public notaries are governed by decree in Hungary, and are established by using a digressive key, or in other cases, based on time or number of pages.

Public notaries are supervised by the chambers of public notaries, and can offer secure services in commercial, civil law, family law and inheritance cases for fees determined by decree.

I.1 You can indicate below:
any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

According to § 1 of Act VIII of 2008, as of 1 September 2008 the legalization of public documents issued (authenticated) by civil law notaries which are intended for use abroad and the issuing of Apostille for such public documents is done the Hungarian National Chamber of Civil Law Notaries.

Notaries (közjegyző)

Acting within the powers defined by law, the notary public (közjegyző) performs official administration of justice as part of the State judicial system.

The aim of their activities is to prevent the development of legal disputes, and they are only entitled to work in this field if admitted to membership of the Notaries' Association (Közjegyzői Kamara). On the basis of law, notaries are appointed by the Minister of Justice to work at given headquarters and for an indeterminate time.

Notaries are obliged to obtain liability insurance and maintain it during the period in which they are conducting their professional activities.

Notaries' exclusive range of activities includes registering legal transactions, legal statements and facts in public instruments (közokirat). One of the notary's traditional tasks is to conduct probate and other non-litigious proceedings. Another important task performed by notaries is keeping records of chattel mortgages as well as handling deposits, in the framework of which they receive money, valuables and securities on the basis of the authorisation received from the parties involved with the purpose of delivering them to the party entitled.

For activities which may be deemed average in terms of duration, requirement for the exercise of legal judgement and responsibility conducted in their offices, notaries are entitled to the amount of fee defined by law. In exceptional cases (e.g. concerning difficult cases calling for a higher level of skill) the fee may differ from the usual amount. If the value represented by the subject of the notary's activity can be stated, the notary's fee is defined on the basis of this. If the value represented by the subject of the notary's activity cannot be stated, the notary's fee must be determined on the basis of the time devoted to the professional activity. The price of authenticating copies of documents by notaries is set.

As Hungarian citizenship is a fundamental requirement for judges, prosecutors, court clerks, bailiffs and notaries, foreign citizens may not be appointed

to hold these offices in Hungary.

You can find more information on the website of the Hungarian National Chamber of Notaries (Magyar Országos Közjegyzői Kamara).

The Hungarian National Chamber of Civil Law Notaries is issuing the legalization or the Apostille for the following public documents:

1. public documents bearing the signature and stamp of a Hungarian civil law notary,

2. authentic copies of an aforementioned public document issued by a notarial archivist,

3. authentic translations of public documents bearing the signature and stamp of a Hungarian civil law notary or authentic translations of authentic copies of notarial documents issued by a notarial archivist.

Please indicate the sources for answering question 193:
Act XLI of 1991 on civil law notaries

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functionning

197) Is the title of court interpreters protected?

- (•) Yes
- ( ) No

198) Is the function of court interpreters regulated by legal norms?

- ( ) Yes
- (•) No

199) Number of accredited or registered court interpreters:

NA

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- ( ) Yes
- (•) No

If yes, please specify (e.g. having passed a specific exam):

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

Yes [ ] for recruitment and/or appointment for a specific term of office

Yes [ ] for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No [x] .

Comment :
Specialised translation or interpretation may be pursued as a form of employment or any other paid work only by qualified specialist translators or interpreters. Authentic translations may be made and translations and copies of foreign language documents authenticated only by the National Bureau of Translation and Translation Authentication (Országos Fordító és Fordításhitelesítő Iroda Zrt, 'OFFI').

OFFI provides interpreting services at courts, public prosecutor's offices and investigative agencies based in Budapest (collectively referred to as 'courts'). OFFI must also provide interpretation at courts located outside of Budapest if they themselves are unable to ensure the provision of interpreting services through the appointment of a qualified interpreter or other suitable person.

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Specialised translation or interpretation may be pursued as a form of employment or any other paid work only by qualified specialist translators or interpreters.

Authentic translations may be made and translations and copies of foreign language documents authenticated only by the National Bureau of Translation and Translation Authentication (Országos Fordító és Fordításhitelesítő Iroda Zrt, 'OFFI').

OFFI provides interpreting services at courts, public prosecutor's offices and investigative agencies based in Budapest (collectively referred to as 'courts'). OFFI must also provide interpretation at courts located outside of Budapest if they themselves are unable to ensure the provision of interpreting services through the appointment of a qualified interpreter or other suitable person.

The website of OFFI: National Bureau of Translation and Translation Authentication http://www.offi.hu/
Their address is: 52, Bajza str, Budapest, 1062

According to Act XLI of 1991 on notaries (a közjegyzőkről szóló 1991. évi XLI. törvény), notaries who are empowered to draw up documents in a foreign language may make authentic translations of documents falling under the competence of notaries, and may authenticate translations in a particular language.

Notaries authenticate a translation of an original document by adding an attestation clause to the end of the translation.

Qualified specialist translators and specialist revisers may also make authentic translations of extracts from the company register and authentic translations into any of the EU's official languages (as chosen by the company) of company documents and data intended to be entered in the company register.

Please indicate the sources for answering question 199:

National Office for the Judiciary: Hungary does not have a central, electronic database of legal translators and court interpreters.

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- [x] "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
- [x] "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
- [ ] "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

203) Is the title of judicial experts protected?

- (•) Yes
- ( ) No

204) Is the function of judicial experts regulated by legal norms?

- (•) Yes
- ( ) No

205) Number of accredited or registered judicial experts (technical experts)

4000 (approximately)

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- (•) Yes
- ( ) No

If yes, please specify, in particular the given time to provide a technical report to the judge:
The time limit for providing the technical report falls within the core competence of the trial court, it is not determined by the law.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes [ ] for recruitment and/or appointment for a specific term of office
- Yes [ ] for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No [x] .

Comment :
The Ministry of Public Administration and Justice is the competent authority in charge of selecting judicial experts and to record the register of judicial experts.

https://szakertok.kim.gov.hu/szakertok

In this website can search for experts, expert companies, institutions on the basis of name, field of expertise, county, or for registration number, registry court.

Search is possible for natural persons and legal persons on the basis of language skills,name and county of operation,or on the basis of name, abbreviated name, county.

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

In Hungary the vast majority of forensic activity is authorized under the relevant legislation In Hungary today, the vast majority of forensic activity is authorized under the relevant legislation. Forensic experts can be individuals, companies and forensic institutions, established for this purpose. They are registered in contact list.; Q204 Act XLVII of 2005 on the function of judicial expert; Code of civil procedure „If the Court does not possess that special knowledge, which is needed to judge a significant fact or other circumstances in a legal action, they invite a judicial expert.” [177. § (1)]

Please indicate the sources for answering question 205:

Hungarian Chamber of Judicial Experts: http://miszk.hu/

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:
1. (Comprehensive) reform plans
2. Budget
3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)
3.1 Access to justice and legal aid
4. High Judicial Council
5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.
6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities
6.1 Personal status
7. Enforcement of court decisions
8. Mediation and other ADR
9. Fight against crim

3.1 Access to justice and legal aid
Current changes of the system of legal aid in Hungary mainly focus on the compliance with the European and Hungarian regulation concerning immigration and the asylum procedure.

E-justice
The electronic administration of the court procedures will be instituted with the financing of the European Union and European Regional Development Fund.
The aim of the project is the development of electronic registration and access of the documents that come into existence during the judicial actions. As a result the operation of the justice could be more effective.
The purpose of the project to increase the electronic communication between the citizens and the courts, to make possible on electronic way
* the submission the petitions by the parties and concerned authorities
* the delivery the documents by the courts to the parties,
* the storage of the documents
* the access to the anonymous decisions of the courts.

4. High Judicial Council
Summary of the President of the National Office for the Judiciary (NOJ)
Annual report 2012
http://www.birosag.hu/sites/default/files/allomanyok/translators/english/vegleges_forditas_osszefoglalo_2012_evi_obhe_beszamolo_osszefoglalo_en.pdf

6. 15 March 2014 will enter in force the new Code Civil

8. Mediation and other ADR
Mediation on courts

On the basis of the decision of the National Council for Jurisdiction a National Mediation Pilot Program had been taken place with the contribution of the National Mediation Association from 1 of March 2009 till 28 of February 2010, in order to examine the application, and/or efficiency of mediation in the course of civil procedures. The program justified – among others –, that the intention of the parties, that is, the settlement of dispute has been increased by the mere recommendation of the mediation.

In the case of judicial mediation the procedure is initiated on the basis of the mutual agreement of the parties, the mediator proceeds – distinct from the judge – under the effect of the obligations of secrecy, the judge controls the mediation procedure and controls it from that aspect, which is, namely, that the content of the mutual agreement is to be suitable for the approval of the court. It is guaranteed that during the time period of mediation, he/she does not adopt a decision on the merits of the case, and simultaneously, there is no double procedure (procedure at the court and the mediator).

Such legal instruments of the judicial shepherd, referring to the judicial mediation, appear in the legislation, which encourage the parties to choose the mediation procedure in compliance with the voluntary principle. Among these, the most significant are the modifications of the Civil Procedure Code, the Act on Charges, the Act on the Service of the Judicial Employees. The detailed rules in relation to the judicial mediation are provided by the Order 14/2002 (VIII.1.) of the Minister of Justice, the Rules on Judicial Case Management, and the Rules issued by the President of the National Office for the Judiciary.

In October 2012 the judicial mediators have been appointed at six general court, who contribute in line with the fulfillment of their tasks in mediation in a way, that the judicial procedures are to be resolved in the shortest time possible in a satisfactory way for the parties.

The Code Civile (Act V of 2013) will entire in force in 15 March 2014, include the rules of court mediation in cases of divorce, child custody and guardianship authority.

9.1 Fight against crim
Prison system
The government has released a social debate on the new execution of punishments and measures code at 4 September 2013.
In recent years, initiatives in the field of justice, transformation, step on the implementation of a new penal code, the decision [1415/2012 . (VII. 5)] of the Public Administration and Justice Minister and the Minister of the Interior has prepared a draft of a new modern penal law (prison law), which is the need of the new Criminal Code . In favor of the social changes, new trends on the crime and the experience of the prison is justified .

The existing 11 years old Decree Law of 1979 on the execution of punishments and measures will replace by the new law. Prominent targets are determined by the social reintegration (reintegration), promotion of the inmates better education and employment , through the provision of law-abiding lifestyle of conditions after release, and the development of self-sufficient prison. The new prison Law will enter into force on January 2014.

Construction of the new code is also required to appear at the highest level of legislation implementing the sanctions for lawful deprivation of liberty or by restricting together. In addition, in accordance with constitutional requirements up to the installation of the new Code is regulated level regulations, but it requires an Act of Parliament, regulation as well. The law is designed to prison on a new basis , introducing some innovations , improved ease of use to ensure proper fit of the substantive criminal law rules and international commitments in compliance .

A new element will appear in the law of liberty implementation of the principles of the old , traditional principles (legality, gradation, normalization) under a new response to the current social situation principles (flexibility, minimize adverse impacts , pragmatism , individual activity, individuality) is also included , which appointed principal axes of the implementation .

The new prison law introduces a range of convicts classified as a gradual implementation process , enabling customization regime system. The point is that the reception is personal interviews, questionnaires and performing selective tests assess the convicted person, the social background , health, psychological state , intelligence , security risk level and then change the personality of monitoring and previous decisions by regularly reviewing facilitate the re-integration implementation and a reduction in recidivism . This task is a new specialized agency , the Central Institute for the Investigation and Methodology will be performed .

The draft has a strong focus on reintegration , thus detailing the preparation for release and reintegration programs (drug prevention programs , addictions treatment programs , life skills training, vocational training etc) . Introduces the reintegration custody legal concept : for the first time in an institution , who is not more than five years term of imprisonment to be completed , and undertakes jail or prison gear - if you ensure the realization of the purpose of the deprivation of liberty in this way , too - more than six months before the release reintegration into custody placement. Reintegration who is detained in penal institutions under the permission of the prison designated by the apartment to escape , which may be only in specific cases and purposes. Its activities are monitored by electronic monitoring devices continuously and upon breach of certain rules of the penal judge may revoke the detention reintegration .

The proposal - to considering the detainees to maintain contact with relatives , and reintegration goals - re- regulate the contact forms. It also re-regulates the costs of the detention reimbursement obligation is , for example, will you charge a willful health violation, or expenses caused by injuries in disciplinary matters , as well as printing the file , copying or transmission of the expenses incurred . The proposal also would eliminate the use of prisoners free gym and make chargeable use of the gym and also requires additional services provided (immersion heater , refrigerator, television , etc) against the value of the compensation as well.

The draft further innovations to the law set a goal to strive to make the prisons self-supporting and self-sustaining part in the organization of productive work done by prisoners.

9.2 Children in focus of justice

The Government of Hungary has appointed the year of the Child-centred Justice in 2012. In this relation a working group was established by the National Office for Judiciary for development the concept of the child-centred justice.

The child-centred justice is that kind of justice, where the respect and efficient enforcement of children’s rights are ensured on the highest level. The member states of the EU have to ensure the enforcement of children’s right to taking consideration their interests above all in the cases concerning them or in proceedings with their participation. Some of the elements of the fair procedure have to be ensured also for the children. Those rights may not refuse or restrict with any reason.

10. The Act on justice information is under preparation. This act will determine what data, documents could be disclosed at the hearing and at an earlier stage of the proceedings. The law disposes also about how that information could be used by the operators of stakeholders. While waiting for a response to people involved in the lawsuit which may own case statement and the minutes should ask whether the Internet.