



Strasbourg, 10 September 2006

CEPEJ (2006)

**Version finale**

**Answer to the  
REVISED SCHEME  
FOR  
EVALUATING JUDICIAL SYSTEMS  
2004 Data**

**Réponse à la  
GRILLE REVISEE  
POUR  
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES  
Données 2004**

---

**HUNGARY/HONGRIE**

**FINAL VERSION**

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)**

**REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS  
adopted by the CEPEJ at its 5<sup>th</sup> Plenary Meeting (Strasbourg, 15 – 17 June 2005) and  
approved by the Committee of Ministers on 7 September 2005  
(936<sup>th</sup> meeting of the Ministers' Deputies)**

**Contents**

**I. Demographic and economic data p. 3**

I. A. General information p. 3

I. B. Budgetary data concerning judicial system p. 3

**II. Access to Justice and to all courts p. 5**

II. A. Legal aid p. 5

II.B. Users of the courts and victims p. 6

II.B.1. Rights of the users and victims p. 6

II.B.2. Confidence of citizens in their justice system p. 8

**III. Organisation of the court system p. 9**

III.A. Functioning p. 9

III.B. Monitoring and evaluation p. 13

**IV. Fair trial p. 15**

IV.A. Fundamental principles p. 15

IV.B. Timeframes of proceedings p. 16

IV.B.1. General p. 16

IV.B.2. Civil and administrative cases p. 17

IV.B.3. Criminal cases p. 18

**V. Career of judges and prosecutors p. 20**

V.A. Appointment and training p. 20

V.B. Practice of the profession p. 22

V.C. Disciplinary procedures p. 23

**VI. Lawyers p. 24**

**VII. Alternative Dispute Resolution p. 27**

**VIII. Enforcement of court decisions p. 29**

VIII.A. Execution of decisions in civil matters p. 29

VII.B. Enforcement of decisions in criminal matters p. 31

**IX. Notaries p. 32**

**REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS**

**COUNTRY:**

Hungary

**National correspondent**

First Name – *Name Gabor SZEPLAKI-NAGY*

Position *judge*

Organisation *Supreme Court*

E-mail [nagy@justice.hu](mailto:nagy@justice.hu)

Telephone +361-268-4748

**Demographic and economic data**

**I. A. General information**

**1. Number of inhabitants** 10.097.549

*Source Central Office of Statistics*

**2. Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**

State level € 24.950.400.000

Regional / entity level €

*Source Central Office of Statistics*

**3. Per capita GDP** 8025 €

*Source Central Office of Statistics*

**4. Average gross annual salary 6984€**

*Source Central Office of Statistics*

I. B. Budgetary data concerning judicial system
---

**5. Total annual budget allocated to all courts € 276.564 million**

*Source Act CXVIII of 2005 on the implementation of the 2004 state budget*

**Please specify:**

**6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:**

§ Salaries? € 162.864 million

§ IT? € 4.07 million

§ Justice expenses borne

by the State? € 45.73 million

§ capital expenditure 32.7 million

Legal aid is not included in the budget of the courts.

*Source National Council of Justice*

**7. Annual public budget spent on legal aid € 2.554.000 EUR** have been determined for this purpose for 2004. Since then there have been no supplementary sources for this task. This amount can be divided into three equal parts for each year of the period 2004-2006.

*Source Act on the 2004 state budget of the Republic of Hungary*

**8. If possible, please specify: N.A.**

§ the annual public budget spent  
on legal aid in criminal cases €

§ the annual public budget spent  
on legal aid in other court cases €

*Source*

**9. Annual public budget spent on prosecution system € 108 million**

*Source Act CXVIII of 2005 on the implementation of the 2004 state budget*

**10. Bodies formally responsible for budgets allocated to the courts:**

	<b>Preparation of the budget (Yes/No)</b>	<b>Adoption of the budget (Yes/No)</b>	<b>Management and allocation of the budget among courts (Yes/No)</b>	<b>Evaluation of the use of the budget (Yes/No)</b>
Ministry of Justice	no	no	no	no
Other ministry. Please specify	no	no	no	no
Parliament	no	yes	no	yes
Supreme Court	no	no	no	no
Judicial Council	yes (National Council of Justice)	yes	yes	yes
Courts	yes	no	no	yes
Inspection body. Please specify. (State Audit Authority)	yes	no	no	yes
Other. Please specify				

\*\*\*

***You can indicate below:***

- ***any useful comments for interpreting the data mentioned above***
- ***the characteristics of your budgetary system***

The yearly budget of the courts is adopted by the Parliament. The NCJ allocates the money among the courts (Supreme Court, appeal courts, county courts and the Office of the NCJ). The detailed budgetary plans are made by the institutions. These budgets will be finally adopted after the supervision by the Office of the NCJ.

<b>II. Access to Justice and to all courts</b>
II. A. Legal aid

**11. Does legal aid concern:**

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	yes	yes
Legal advice (Yes/No)	yes	yes
Other (Yes/No). Please specify		

**12. Number of legal aid cases:**

§ total	52928
§ criminal cases	14926
§ other than criminal cases	38002

*Source* Office of the NCJ

**13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?**

Yes No

**14. Does your country have an income and asset test for granting legal aid:**

§ for criminal cases? yes

§ for other than criminal cases? yes

*Source* Act III of 1952 on Civil Procedure; Act XIX of 1998 on Criminal Procedure; Regulation of the Minister of Justice 6/1986. (VI. 26.) on fee exemption in judicial procedures; Joint Regulation of the Minister of Justice, the Minister of the Interior and the Minister of Finance 9/2003. (V. 6.) on fee exemption in criminal procedures.

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

Yes No

**16. If yes, is the decision taken by:**

§ **the court?**

§ **a body external to the court?**

§ **a mixed decision-making body (court and external)?**

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

§ **for criminal cases?** no

§ **for other than criminal cases?** yes

**If yes, are there exceptions? Please specify:** In general, litigants who do not have sufficient financial means, are not required to pay a tax or fee to start a proceeding. Furthermore, litigants are exempt from paying tax or fee in certain types of dispute (for instance in employment-related lawsuits, lawsuits concerning child accommodation and delivery, etc.). There are some legal persons who receive personal duty exemption, for example the State of Hungary, local governments, non-governmental organisations.

**18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?**

No

Yes **Please specify:** In general, law permits such kind of systems, but they exist only in a few areas (for example liability insurance for car holders).

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

§ **criminal cases?** yes

§ **other than criminal cases?** yes

\*\*\*

*You can indicate below:*

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

*- the characteristics of your legal aid system*

The data indicated in section 12 concern legal aid forms only in judicial procedures. Based on Act LXXX of 2003 on legal aid extra judicial legal aid forms (legal advice and preparing

documents by a lawyer) were granted in 5223 cases and 15994 clients got advice from the legal aid offices.

II. B. Users of the courts and victims
II. B. 1. Rights of the users and victims

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

§ **legal texts (e.g. codes, laws, regulations, etc.)?** yes

Internet address(es): [www.im.hu](http://www.im.hu), [www.net.jogtar.hu](http://www.net.jogtar.hu), [www.magyarorszag.hu](http://www.magyarorszag.hu)

§ **case-law of the higher court/s?** yes

Internet address(es): [www.lb.hu](http://www.lb.hu)

§ **other documents (for examples legal forms)?** yes

Internet address(es): [www.im.hu](http://www.im.hu)

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

Yes No

If yes, please specify:

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

Yes No

Based on Act CXXXV of 2005 on the help and compensation of victims of crimes regional services are being established to help victims and there is a public foundation under the control of the Ministry of the Interior called Biztonságos Magyarországért Közalapítvány (Public Foundation for Safe Hungary) which functions with the same goal.

**23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

	Information mechanism	Hearing modalities	Procedural rights	Other (Yes/No). Please specify
--	-----------------------	--------------------	-------------------	--------------------------------



	(Yes/No)	(Yes/No)	(Yes/No)	
Victims of rape	-	yes	-	
Victims of terrorism	-	-	-	
Child/Witness/ Victim	-	yes	yes	
Victims of domestic violence	-	-	-	
Ethnic minorities	-	-	-	<i>usage of mother tongue</i>
Disabled persons	-	-	-	
Juvenile offenders	yes	yes	yes	
Other				

**24. Does your country have compensation procedure for victims of crimes?**

Yes No

Act CXXXV of 2005 on the help and compensation of victims of crimes

Decree No. 209/2001 of the Government

**25. If yes, does this compensation procedure consist in:**

§ **a public fund?**

§ **a court order?**

§ **private fund?**

**26. If yes, which kind of cases does this procedure concern?** homicide, serious bodily harm, rape, assault causing irrevocable deficiency, assault causing death, robbery, driving under the influence of alcohol

**27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?**

No

Yes **Please specify:**

<b>II. B.2. Confidence of citizens in their justice system</b>
--

**28. Is there a system for compensating users in the following circumstances:**

§ excessive length of proceedings? *yes*

§ wrongful arrest? *yes*

§ wrongful condemnation? *yes*

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

According to Article 2(3) of the Code of Civil Procedure from July 1 2003 the client may file a claim for compensation if his/her right to have a fair trial within a reasonable time is violated.

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

**29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?**

Yes No

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

Public opinion polls commissioned by the NCJ.

**30. If yes, please specify:**

	<b>Trough systematic surveys (Yes/No)</b>	<b>Through ad hoc surveys (Yes/No)</b>
Surveys at national level	<i>yes</i>	-
Surveys at court level	-	-

**31. Is there a national or local procedure for making complaints about the performance of the judicial system?**

Yes No

**32. If yes, please specify:**

	<b>Time limit to respond (Yes/No)</b>	<b>Time limit for dealing with the complaint (Yes/No)</b>
Court concerned		
Higher court		

Ministry of Justice		
High Council of Justice		
Other external organisations (e.g. Ombudsman)		

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

III. Organisation of the court system
III. A. Functioning

**33. Total number of courts (administrative structure):**

§ **first instance courts of general jurisdiction** 131 (111 local and 20 county courts)

*Source Code of Civil Procedure*

§ **specialised first instance courts** 20

*Source Code of Civil Procedure*

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

**34. Total number of courts (geographic locations) 157**

*Source Statistics of NCJ*

**35. Number of first instance courts competent for a case concerning:**

§ **a debt collection for small claims** 111 local courts

**Please specify what is meant by small claims in your country:** *Disputed amount is under 200 000 HUF (800 EUR)*

§ **a dismissal** 20 (labour courts)

§ **a robbery** 131 (local and county courts)

**36. Number of professional judges sitting in courts 2757 judges**

*(present the information in full time equivalent and for permanent posts)*

*Source Statistics of NCJ*

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

§ *gross figure*

§ *if possible, in full time equivalent*

*Source*

**Please specify:** There are no professional judges in Hungary who sit in courts on an occasional basis.

**38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs 5921 lay judges**

*Source NCJ*

**Please specify:**

**39. Does your judicial system include trial by jury with the participation of citizens?**

No

Yes For which type of case(s)?

If possible, number of citizens who were involved in such juries for the year 2004?

**40. Number of non-judge staff who are working in courts 6770**

*(present the information in full time equivalent and for permanent posts)*

*Source*

**41. If possible, could you distribute this staff according to the 3 following categories:**

§ **non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: 2700**

§ **staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): 2800**

§ **technical staff: 1270**

**42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):**

No

Yes Number of staff 430

**43. Number of public prosecutors 1453**

*(present the information in full time equivalent and for permanent posts)*

*Source Office of the Public Prosecutor*

**44. Do you have persons who have similar duties as public prosecutors?**

No

Yes **Please specify:**

**45. Is the status of prosecutors:**

§ **independent within the judiciary?**

§ **independent from the judiciary?**

§ **under the authority of the Ministry of Justice?**

**46. Number of staff (non prosecutors) attached to the public prosecution service 2295**

*(present the information in full time equivalent and for permanent posts)*

*Source Office of the Public Prosecutor*

**47. Who is entrusted with the individual court budget?**

	<b>Preparation of the budget (Yes/No)</b>	<b>Arbitration and allocation (Yes/No)</b>	<b>Day to day management of the budget (Yes/No)</b>	<b>Evaluation and control of the use of the budget (Yes/No)</b>
Management Board	-	-	-	-
Court President	yes	yes	yes	yes
Court administrative director	yes	yes	yes	yes
Head of the court clerk office	-	-	-	-

Other. Please specify	economic offices of the courts and the judicial councils at the courts	economic offices of the courts	economic offices of the courts	economic offices of the courts
--------------------------	--	--------------------------------	--------------------------------	--------------------------------

**48. In general, do the courts in your country have computer facilities?**

Yes No

**49. What are the computer facilities used within the courts?**

<b>Functions</b>	<b>Facilities</b>	<b>100 % of courts</b>	<b>+50 % of courts</b>	<b>-50 % of courts</b>	<b>- 10 % of courts</b>
Direct assistance to the judge/court clerk	Word processing	yes			
	Electronic data base of jurisprudence	yes			
	Electronic files	yes			
	E-mail	yes			
	Internet connection	yes			
Administration and management	Case registration system		yes		
	Court management information system			yes	
	Financial information system	yes			
Communication between the court and the parties	Electronic forms <i>see below</i>				yes
	Special Website		yes		

	Other electronic communication facilities				
--	---	--	--	--	--

Communication between the court and the parties through electronic forms is possible only with the Court of Registry from September 2005.

**50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

No

Yes Please specify the name and the address of this institution: Office of the National Council of Justice, Hungary, 1055-Budapest, Szalay u. 16.

\*\*\*

*You can indicate below:*

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

<b>III. B. Monitoring and evaluation</b>
--

**51. Are the courts required to prepare an annual activity report?**

Yes No

**52. Do you have a regular monitoring system of court activities concerning the:**

§ number of incoming cases? yes

§ number of decisions? yes

§ number of postponed cases? yes

§ length of proceedings? yes

§ other? yes

**Please specify:** finished and unfinished cases, value of the case, number of accused

**53. Do you have a regular evaluation system of the performance of the court?**

No

Yes Please specify: data about incoming cases, evaluation of the work of judges

**54. Concerning court activities, have you defined:**

§ performance indicators? Yes No

**Please specify the 4 main indicators for a proper functioning of justice:**

number of finished cases, number of trial days, cases in progress

§ targets? Yes No

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

- executive power?

- legislative power?

- judicial power?

- other? Please specify:

**Please specify the main objectives applied:** to finish cases in a reasonable time, to finish 80% of the cases on first instance, to improve the confidence of people, to minimise the number of long-lasting cases

*Source* Decisions of the NCJ

**55. Which authority is responsible for the evaluation of the performances of the courts:**

§ the High Council of judiciary?

§ the Ministry of justice?

§ an Inspection body?

§ the Supreme Court?

§ an external audit body?

§ other? Please specify:

**56. Does the evaluation system include quality standards concerning judicial decisions?**

No

Yes **Please specify:** The evaluation is determined by the Act on the legal status and remuneration of judges, aspects and procedure are laid down in a regulation of the NCJ.

*Source* NCJ

**57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:**

§ civil cases? yes

§ criminal cases? yes

§ administrative cases? yes



**58. Do you have a way of analysing queuing time during court procedures?**

No

Yes **Please specify:** There is a special IT system of the courts.

**59. Do you monitor and evaluate the performance of the prosecution services?**

No

Yes **Please specify:** The Prosecutor General submits a report to the Parliament every year.

\*\*\*

*You can indicate below:*

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

<b>IV. Fair trial</b>
IV. A. Fundamental principles

**60. Is there in your judicial system:**

**§ a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?**

Yes No

**§ the right to have reasons given for all prisons sentences?**

Yes No

**§ for all cases, an effective remedy to a superior jurisdiction?**

Yes No

**61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented?**

Not present: 19%

Not represented: 1%

*Source 2004 statistics*

**62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?**

No

Yes If possible, number of successful challenges (in a year): 1697

**63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:**

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)	2		20	15			1	2		
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d										
	Article 6§3e										
Civil proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)	23		273	322	2		12	18		

	Article 6§1 (non execution only)										
--	---	--	--	--	--	--	--	--	--	--	--

Source Ministry of Justice

<b>IV.B. Timeframes of proceedings</b>
<b>IV. B. 1. General</b>

**64. Are there specific procedures for urgent matters in:**

§ civil cases? yes

§ criminal cases? yes

§ administrative cases? yes

**65. Are there simplified procedures for:**

§ civil cases (small claims)? yes

§ criminal cases (petty offences)? yes

§ administrative cases? yes

**66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?**

Yes No

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

No

Yes Please specify:

**IV. B. 2. Civil and administrative cases**

**68. Total number of civil cases in courts (litigious and not litigious):** 635000 (including commercial cases)

**Please specify the main types of cases:** listed in the Code of Civil Procedure (Act III of 1952)

Source Statistics of NCJ

**69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1 <sup>st</sup> instance)	Incoming cases	165027	25308	36409	5175
	Decisions on the merits	86965	15038	25723	2097
	Percentage of decisions subject to appeal in a higher court	25.24 %	8.27%	5.17%	
	Pending cases by 1 January 2005	76203	5162		
	Percentage of pending cases of more than 3 years	1.41%	0.13%		
Average length (from date of lodging of court proceedings*)	1 <sup>st</sup> instance decisions	6.4 months	5.9 months		
	2 <sup>nd</sup> instance decisions	3.5 months	6.7 months		
	Total procedure	13.6 months	14.8 months		

\* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

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

Source Statistics of NCJ

#### IV. B. 3. Criminal cases

**70. Please describe the role and powers of the prosecutor in the criminal procedure:**

§ to conduct or supervise police investigation? yes

§ to conduct investigation? no

§ when necessary, to demand investigation

measures from the judge? yes

§ to charge? yes

§ to present the case in the court? yes

§ to propose a sentence to the judge? yes

§ to appeal? yes

§ to supervise enforcement procedure? no

§ to end the case by dropping it without the need for a judicial decision? yes

§ to end the case by imposing or negotiating a penalty without a judicial decision? no

§ other significant powers?

Please specify:

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

No

Yes Please specify:

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

		Total number of 1 <sup>st</sup> instance criminal cases
Received by the public prosecutor		137886
Discontinued by the public prosecutor	In general	16934
	Because the offender could not be identified	N.A.
	Due to the lack of an established offence or a specific legal situation	N.A.

Concluded by a penalty, imposed or negotiated by the public prosecutor	5254
Charged by the public prosecutor before the courts	78850

Source

**73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		Criminal cases	Robbery cases	Intentional homicides
Total number (1 <sup>st</sup> instance)	Incoming cases	138433		
	Judicial decisions	103041		
	Convicted persons	98976	39414	192
	Acquitted persons	4490	1632	
	Percentage of decisions subject to appeal in a higher court	10.55%		
	Pending cases by 1 January 2005	51761		
	Percentage of pending cases of more than 3 years	1.61%		
Average length*(from the date of official charging)	1 <sup>st</sup> instance decision	7.9 months		
	2 <sup>nd</sup> instance decision	5.4 months		
	Total procedure	16.8 months		

\* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source Statistics of NCJ

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system concerning timeframes of proceedings*

## V. Career of judges and prosecutors

### V. A. Appointment and training

**74. Are judges initially/at the beginning of their carrier recruited and nominated by:**

§ **a body composed of members of the judiciary?**

§ **a body composed of members external to the judiciary?**

§ **a body composed of members of the judiciary and external to the judiciary?**

Future judges are recruited by the president of the county court and nominated by the National Council of Justice.

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

§ **a body composed of members of the prosecution system?**

§ **a body composed of members external to the prosecution system?**

§ **a body composed of members of the prosecution system and external to the prosecution system?**

**76. Is the mandate given for an undetermined period for:**

§ **judges? yes**

§ **prosecutors? yes**

**Are there exceptions? Please specify:** The first appointment of judges is usually for a limited period of 3 years and after that the mandate is given for an undetermined period. In special cases even the first appointment can be valid for an unlimited time.

**If no, what is the length of the mandate: Is it renewable?**

§ **of judges?**

§ **of prosecutors?**

\*\*\*

*You can indicate below:*

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

**77. Nature of the training of judges:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory	yes	Annual	yes
	Highly recommended		Regular	
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	yes
	Highly recommended	yes	Regular	
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	yes



	Highly recommended	yes	Regular	
	Optional		Occasional	

**78. Nature of the training of prosecutors:**

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory	yes	
	Highly recommended			
	Optional			
General in-service training	Compulsory	yes	Annual	yes
	Highly recommended		Regular	
	Optional		Occasional	
Specialised in-service training	Compulsory		Annual	yes
	Highly recommended	yes	Regular	
	Optional		Occasional	

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your training system for judges and prosecutors*

For judges appointed for a limited period the attendance of specific seminars is compulsory.
--

<b>V. B. Practice of the profession</b>
---

**79. Gross annual salary of a first instance professional judge at the beginning of his/her career € 20729**

*Source NCJ*

**80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court € 34426**

*Source NCJ*

**81. Gross annual salary of a public prosecutor at the beginning of his/her career € 17285**

*Source Office of the Public Prosecutor*

**82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court € 32191**

*Source Office of the Public Prosecutor*

**83. Do judges and public prosecutors have additional benefits?**

	<b>Judges (Yes/No)</b>	<b>Public prosecutors (Yes/No)</b>
Reduced taxation	no	no
Special pension	no	no
Housing	no	no
Other financial benefit (If yes, please specify)	Refund of dressing expenses, meal contribution, work bonus, on-duty-bonus.	Refund of dressing expenses, meal contribution, work bonus, on-duty-bonus.

**84. Can judges or prosecutors combine their work with any of the following other professions?**

	<b>Judges</b>			<b>Prosecutors</b>		
	Yes with	Yes without	No	Yes with	Yes without	No

	remuneration	remuneration		remuneration	remuneration	
Teaching	yes			yes		
Research and publication	yes			yes		
Arbitrator			no			no
Consultant			no			no
Cultural function	yes			yes		
Other function to specify						

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

No

Yes **Please specify:**

**V. C. Disciplinary procedures**

**86. Types of disciplinary proceedings and sanctions against judges and prosecutors:**

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number	21	4
	Breach of professional ethics (Yes/No) If yes, please specify the number	17	
	Professional inadequacy (Yes/No) If yes, please specify the number		

	Criminal offence (Yes/No) If yes, please specify the number	4	
	Other (Yes/No) If yes, please specify		1 (for not observing procedura 1 deadlines)
Types of sanctions	Total number	5	2
	Reprimand (Yes/No) If yes, please specify the number	5	1
	Suspension (Yes/No) If yes, please specify the number		
	Dismissal (Yes/No) If yes, please specify the number		
	Fine (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify	4 judg es resig ned	1 (moving back to a lower rank)

\*\*\*

*You can indicate below:*

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

## VI. Lawyers

**87. Number of lawyers practising in your country** 9.500

Source National Bar Association

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

Yes No

**89. Do lawyers have a monopoly of representation:**

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	Monopoly: no Supervision: yes		Member of family	yes
			Trade Union	no
			NGO	
			Other	
Criminal cases*	Defendant		Member of family	yes
			Trade Union	no
			NGO	
			Other	
	Victim		Member of family	yes
			Trade Union	no
			NGO	
			Other	
Administrative cases*	Countersignature		Member of family	yes
			Trade Union	no
			NGO	
			Other	

\* If appropriate, please specify if it concerns first instance and appeal.

**90. Is the lawyer profession organised through?**

§ a national bar?

§ a regional bar?

§ a local bar?

**Please specify:**

There is an independent bar association in every administrative region (including one in the capital). The Hungarian Bar Association stands above them.

**91. Is there a specific initial training or examination to enter the profession of lawyer?**

Yes No

After receiving a degree in law a professional training of three years and afterwards a professional exam is obligatory.

**92. Is there a mandatory general system for lawyers requiring continuing professional development?**

Yes No

The ethical rules for the time being prescribe only ethical obligations.

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

No

Yes **Please specify:**

Certain branches of law require a postgraduate training at the Postgraduate Training Institute of Law. After four semesters and the subsequent exam a professional certificate is granted.

**94. Can users establish easily what the lawyers' fees will be?**

Yes No It is subject to free agreement between the lawyer and the client but it has to be put down in writing.

**95. Are lawyers fees:**

§ **regulated by law?**

§ **regulated by Bar association?**

§ **freely negotiated?**

**96. Have quality standards been formulated for lawyers?**

Yes No

**97. If yes, who is responsible for formulating these quality standards:**

§ the bar association?

§ the legislature?

§ other? Please specify:

It is regulated in the Code of Ethics.

**98. Is it possible to complain about :**

§ the performance of lawyers? No

Yes Please specify:

The complaint has to be submitted to the territorially competent Regional Bar Association.

§ the amount of fees? Yes No

**99. Disciplinary proceedings and sanctions against lawyers:**

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	yes
	Professional inadequacy	yes
	Criminal offence	yes
	Other	yes
Type of sanctions	Reprimand	yes
	Suspension	yes
	Removal	yes
	Fine	yes
	Other	

**100. Who is the authority responsible for the disciplinary procedures:**

§ **a professional body?** Please specify:

An arbitration disciplinary committee is proceeding in disciplinary matters.

§ **the judge?**

§ **the Ministry of justice?**

§ **other? Please specify:**

\*\*\*

*You can indicate below:*

- any useful comments for interpreting the data mentioned above

- the characteristics of your system concerning the organisation of the Bar

**VII. Alternative Dispute Resolution**

**101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:**

	Compulsion (Yes/No)		Body providing mediation(Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	no	Private mediator	no
			Public or authorised by court body	no
			Court	
	Compulsory stage in court proceedings	no	Judge	no
	Ordered by judge in certain cases	no	Prosecutor	no
Family cases	Compulsory stage prior to court proceedings		Private mediator	no
			Public or authorised by court body	no
			Court	



	Compulsory stage in court proceedings	yes, in divorce cases, where the partners have child/children	Judge	yes
	Ordered by judge in certain cases	no	Prosecutor	no
Administrative cases	Compulsory stage prior to court proceedings	yes, if lots of clients are interested	Private mediator	yes
			Public or authorised by court body	no
			Court	
	Compulsory stage in court proceedings	no	Judge	no
	Ordered by judge in certain cases	no	Prosecutor	no
Employment dismissals	Compulsory stage prior to court proceedings	Basically no, but there is an obligation in collective labour disputes	Private mediator	yes, in the above mentioned case
			Public or authorised by court body	yes, in the above mentioned case
			Court	
	Compulsory stage in court proceedings	yes, at the first trial except for disciplinary issues	Judge	yes
	Ordered by judge in certain cases	no	Prosecutor	no
Criminal cases	Compulsory stage prior to court proceedings	no	Private mediator	no
			Public or authorised by court body	no
			Court	
	Compulsory stage in court proceedings	no	Judge	no
	Ordered by judge in certain cases	no	Prosecutor	no

**102. Can you provide information about accredited mediators?**

MKDSZ (Labour Mediation and Arbitration Service LMAS);
--

Mediators who are eligible to mediate in healthcare issues;  
 Mediators who are eligible to conciliate/mediate in public tender disputes;  
 Mediation Service of Education;  
 Ministry of Justice: list of mediators in Hungary who can serve in civil law cases;  
 The law of victim-offender mediation is under preparation;  
 There are several private (single) mediators in these fields, who are well qualified specialists (trained abroad and in Hungary).

**103. Can you provide information about the total number of mediation procedure concerning:**

§ civil cases?	433
§ family cases?	254
§ administrative cases?	0
§ employment dismissals?	34
§ criminal cases?	0
<b>all cases:</b>	721
<b>successful:</b>	532
<b>unsuccessful:</b>	182

*Source* : Ministry of Justice, year 2004.

**104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify:**

In the field of employment dismissals:

- arbitration: 0
- mediation: 10
- counselling 7

based on the data of Labour Mediation and Arbitration Service

\*\*\*

*You can indicate below:*

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system concerning ADR*

There is a relatively great number of mediators, but only few cases are settled by mediation as ADR methods are not widely known in Hungary. However, when ADR

is used, it is very successful. The technique of governmental pressure of the cases for ADR has not been worked out yet.

## VIII. Enforcement of court decisions

### VIII. A. Execution of decisions in civil matters

#### 105. Are enforcement agents:

§ judges?

§ bailiff practising as private profession ruled by public authorities?

§ bailiff working in a public institution?

§ other enforcement agents?

Please specify their status:

#### 106. Number of enforcement agents 193

Source Hungarian Chamber of Judicial Officers

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

Yes No

#### 108. Is the profession of enforcement agent organised by?

§ a national body?

§ a regional body?

§ a local body?

#### 109. Can users establish easily what the fees of the enforcement agents will be?

Yes No

#### 110. Are enforcement fees:

§ regulated by law?

§ freely negotiated?

**111. Is there a body entrusted with the supervision and the control of the enforcement agents?**

No

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

§ a professional body?

§ the judge?

§ the Ministry of justice?

§ the prosecutor?

§ other?

**Please specify:**

--

**112. Have quality standards been formulated for enforcement agents?**

No

Yes **Who is responsible for formulating these quality standards?**

<b>Act LIII of 1994 on Judicial Execution</b> , as well as numerous decrees issued by the Minister of Justice regulate all fields of enforcement agents' activities and set all necessary quality standards.
--

*Source* Hungarian Chamber of Judicial Officers

**113. What are the main complaints of users concerning the enforcement procedure:**

§ no execution at all?

§ lack of information?

§ excessive length?

§ unlawful practices?

§ insufficient supervision?

§ excessive cost?

§ other?

*Source* Hungarian Chamber of Judicial Officers

**114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?**

No

**Yes Please specify:**

Some bills have been introduced and are under discussion at the Parliament, debating the following issues:

- ensuring the possibility of installment or deferred payment (respite) after considering the financial circumstances of the debtor
- the swift judgement of complaints against enforcement agents.

**115. Is there a system measuring the timeframes of the enforcement of decisions:**

§ **for civil cases?** The statistics of the Hungarian Chamber of Judicial Officers

§ **for administrative cases?**

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

§ **between 1 and 5 days**

§ **between 6 and 10 days**

§ **between 11 and 30 days**

§ **more: please specify** Documents have to be delivered between 30 and 45 days.

*Source* Hungarian Chamber of Judicial Officers

**117. Disciplinary proceedings and sanctions against enforcement agents:**

	<b>Yes /No</b> <b>(If yes, please specify the total number)</b>	
Disciplinary proceedings	Breach of professional ethics	11
	Professional inadequacy	8
	Criminal offence	2
	Other	0
Sanctions	Reprimand	5
	Suspension	4
	Dismissal	4
	Fine	7
	Other	1

\*\*\*

*You can indicate below:*

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters

Please note that in Hungary enforcement agents receive a yearly average of 250 000 executions cases.

## VIII. B. Enforcement of decisions in criminal matters

**118. Is there a judge who has in charge the enforcement of judgments?**

Yes Please specify his/her functions and activities (e.g. Initiative or control functions):

The judge responsible for the execution of sentences has both initiative and control functions.

No Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):

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

No

Yes Please specify:

\*\*\*

*You can indicate below:*

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters

## IX. Notaries

**120. Is the status of notaries:**

Yes Number

§ a private one?

§ a status of private worker ruled by the public authorities?

**§ a public one?**

**§ other?**

**Please specify:**

*Source* Act XLI of 1991 on notaries public, in unified structure with Decree No. 13/1991 (November 26) of the Minister of Justice

Section 1 paragraph (1): The law confers public authenticity on notaries public so that they may provide disinterested legal service to the parties in order to avoid legal disputes.

Paragraph (4): Acting within his powers defined by law, the notary public performs official administration of justice as part of the justice system of the state.

**121. Do notaries have duties:**

**§ within the framework of civil procedure?** Act XLI of 1991, Section 1 paragraph (3): The notary public shall conduct probate action and other out-of-court proceedings assigned to his powers.

**§ in the field of legal advice?** The notary public may provide legal consulting services only in procedures assigned to his powers.

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

**§ other?**

**If yes, please specify:**

--

**122. Is there a body entrusted with the supervision and the control of the notaries?**

No

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

**§ a professional body?** According to Act XLI of 1991, Section 28 the presidential boards of the five territorial chambers of public notaries have the exclusive responsibility to supervise the operations, official duties and behaviour of notaries public, notary public candidates and deputy notaries public belonging to the territorial chamber.

**§ the judge?** In notarial non-litigious and other proceedings (Act XLI of 1991, Chapter XIII)

**§ the Ministry of justice?** Pursuant to Act XLI of 1991, Section 15/A the Minister of Justice

exercises judicial supervision over the operation of the organs of notary public self-government. The judicial supervision shall not extend to matters regarding which court procedures are applicable.

**§ the prosecutor?**

**§ other? Please specify:**

--

\*\*\*

*You can indicate below:*

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

*- the characteristics of your system of notaries*

<p>The Hungarian Constitutional Court has confirmed the legal status and powers of Hungarian notaries public in several resolutions (for example, resolutions no. AB 108/B/1992., 944/B/1994., 161/B/2000.AB...)</p> <p>The notary public is an official legal practitioner operating as part of the judicial system. All the procedures and legal statuses of the notaries public place them in the community of official legal practitioners.</p> <p>In Hungary the powers of notaries public partly make them part of the regular court organization (they may make resolutions that may be challenged in court, for example, in probate action), on the other hand, in contrast with Western European examples, notaries public have hardly any exclusive powers – i.e. matters regarding which only a notary public is authorized to act – in most cases the clients may also turn to attorneys. Practice shows that with documents requiring higher security, clients are more willing to approach a notary public and use notarial services.</p> <p>Representatives of the Hungarian political elite and scientific life also emphasize that the institution of notaries public has become much more efficient and now meets the standards of our time. Since 1992 the notaries public have formed a Latin type professional body (that is why so called civil law notaries) and they create the basis for their operation themselves. Now it is safe to say that there is a sufficient number of notaries public operating in Hungary, who do not have exclusive powers in the classic Western European sense of the term.</p>
--

\*\*\*\*\*

**123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:**



Some of the significant tasks foreseen for the near future:

- the development of the IT network and its efficient virus protection;
- through the development of electronic administration and internal network the decrease of paperwork;
- the continuous development of the websites of courts;
- creating the conditions to hold distance hearings;
- decreasing the workload of the judges by increasing the number of judicial employees who can assist directly the judicial activities of judges;
- reconstruction of judicial buildings;
- the balanced distribution of cases among judges;
- refining the communication strategy of the courts with the press and the citizens, which would render judicial work opener and more knowledgable;
- there is a bill on objection before the Parliament, which would make it possible for parties to turn to higher courts and demand compensation if they consider that the proceeding court delays action;
- by July 2007 the decisions of the Supreme Court and the courts of appeal shall be made available on the Internet for the public;
- in September 2006 a training centre (academy) for judges will be established, which will function as a community law training and conference centre and research workshop.