

## Evaluation of the judicial systems (2018 - 2020)



Hungary

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**Reference data 2018 (01/01/2018 - 31/12/2018)**

**Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019**

### **Objective :**

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

### **Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

## **1.General and financial information**

### **1.1.Demographic and economic data**

#### **1.1.1.Inhabitants and economic general information**



##### **001. Number of inhabitants (if possible on 1 January of the reference year +1)**

[ 9 591 495 ]

Comments

**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

|  | Amount  |
|--|---|
| State or federal level   | 58 205 420 288<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Regional / federal entity level (total for all regions / federal entities) | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP        |

Comments

**003. Per capita GDP (in €) in current prices for the reference year**

[ 12 500 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ 12 288 ]

☐ NA

Comments

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[ 322.16 ]

Allow decimals : 5

☐ NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: Q1: Központi Statisztikai Hivatal (Hungarian Central Statistical Office)

Q2: Act C of 2017 on Hungary's 2018 State Budget

Q3: [https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=sdg\\_08\\_10&plugin=1](https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=sdg_08_10&plugin=1)

Q4: <https://www.ksh.hu/docs/hun/xftp/gyor/ker/ker1812.html>

Q5: Magyar Nemzeti Bank (Hungarian National Bank)

**1.1.2. Budgetary data concerning judicial system**



**006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution**

services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

|  | Approved budget (in €)           | Implemented budget (in €)        |
|--|----------------------------------|----------------------------------|
| <b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b> | 355 873 479<br>[ ] NA<br>[ ] NAP | 391 214 974<br>[ ] NA<br>[ ] NAP |
| <b>1. Annual public budget allocated to (gross) salaries</b>   | 170 695 036<br>[ ] NA<br>[ ] NAP | 186 259 490<br>[ ] NA<br>[ ] NAP |
| <b>2. Annual public budget allocated to computerisation</b>  | 16 199 647<br>[ ] NA<br>[ ] NAP  | 20 949 270<br>[ ] NA<br>[ ] NAP  |
| <b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>             | 40 098 765<br>[ ] NA<br>[ ] NAP  | 34 667 749<br>[ ] NA<br>[ ] NAP  |
| <b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>                 | 5 724 707<br>[ ] NA<br>[ ] NAP   | 9 247 363<br>[ ] NA<br>[ ] NAP   |
| <b>5. Annual public budget allocated to investments in new (court) buildings</b>                           | 25 165 911<br>[ ] NA<br>[ ] NAP  | 2 510 946<br>[ ] NA<br>[ ] NAP   |
| <b>6. Annual public budget allocated to training</b>   | 1 044 231<br>[ ] NA<br>[ ] NAP   | 580 701<br>[ ] NA<br>[ ] NAP     |
| <b>7. Other (please specify)</b>   | 96 945 182<br>[ ] NA<br>[ ] NAP  | 136 999 454<br>[ ] NA<br>[ ] NAP |

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: "Other" includes taxes, unpredicted personal (salary) expenditures, other maintenance costs.

The main difference between the approved and the implemented budgets derives from the fact that for public budget allocated to gross salaries, to computerization and to the category "other", the approved budget was modified during the year.

Regarding the increase for the approved and implemented budget for computerization between 2016 and 2018, it is due to the implementation of the "Digital courts" program, which is one of the top priorities of the court system (More about the program: <https://birosag.hu/en/digital-court>.)

Regarding the increase of the implemented budget allocated to salaries between 2016 and 2018, this variation appears as a consequence of the increase observed between 2016 and 2017. The latter was explained by the fact that the salary of judges and court employees increased in 2017; accordingly, the implemented budget was higher than the approved budget. What is more, the base salary of judges and judicial employees increased by 5% from the 1st of January 2018. This also had an impact on the budget. Finally, regarding the decrease of the implemented budget allocated to new court buildings, most of the new court building projects are currently in progress (being constructed or at least in preparation phase), thus the renovation and maintenance of older buildings is getting bigger importance. It also explains the the difference between the approved budget for new courts buildings and the implemented one.

**007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:**

| Approved budget (in €) | Implemented budget (in €) |
|------------------------|---------------------------|
|------------------------|---------------------------|

|  |   |   |
|--|---|---|
| Total annual public budget allocated to all courts and the public prosecution services together        | <input type="checkbox"/> X ] NA<br><input type="checkbox"/> ] NAP | <input type="checkbox"/> X ] NA<br><input type="checkbox"/> ] NAP |
| Total annual public budget allocated to all courts and legal aid together                              | <input type="checkbox"/> X ] NA<br><input type="checkbox"/> ] NAP | <input type="checkbox"/> X ] NA<br><input type="checkbox"/> ] NAP |
| Total annual public budget allocated to all courts, public prosecution services and legal aid together | <input type="checkbox"/> X ] NA<br><input type="checkbox"/> ] NAP | <input type="checkbox"/> X ] NA<br><input type="checkbox"/> ] NAP |

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

## 008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:

|                               |  |
|-------------------------------|--|
|                               | Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ? |
| for criminal cases            | <input type="checkbox"/> ( ) Yes<br><input checked="" type="checkbox"/> ( X ) No                 |
| for other than criminal cases | <input checked="" type="checkbox"/> ( X ) Yes<br><input type="checkbox"/> ( ) No                 |

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

### 008-1. Please briefly present the methodology of calculation of these court fees:

- The general amount of the court fee in a first instance civil case is 6% of the value of the case, but the minimum amount is approximately 58 Euro and maximum is approximately 4762 Euro. In some cases laws define different percentage or fix amount, e.g. the court fee of a litigious divorce case is a fix amount of approximately 95 Euro.

The general amount for a second instance case (paid by the appealing party) is 8% of the value of the case but the minimum amount is approximately 58 Euro and maximum is approximately 7936 Euro.

The general amount for a review of the case at the Supreme Court (Kúria) (paid by the party asking for the review of the case) is 10% of the value of the case but the minimum amount is approximately 159 Euro and maximum is approximately 9524 Euro.

### 008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[ 180 ]  
☐ ] NA  
☐ ] NAP

Comments

### 009. Annual income of court fees received by the State (in €):

[                      ]  
☒ X ] NA  
☐ ] NAP

Comments

## 012. Annual approved public budget allocated to legal aid, in €.

|  | TOTAL                        | Criminal cases      | Other than criminal cases |
|--|------------------------------|---------------------|---------------------------|
| TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)       | 772 908<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP       |
| 12.1 for cases brought to court (court fees and/or legal representation)         | [ X ] NA<br>[ ] NAP          | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP       |
| 12.2 for cases not brought to court (legal advice, ADR and other legal services) | [ X ] NA<br>[ ] NAP          | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP       |

Comments

## 012-1. Annual implemented public budget allocated to legal aid, in €.

|  | TOTAL                        | Criminal cases      | Other than criminal cases |
|--|------------------------------|---------------------|---------------------------|
| TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)  | 648 746<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP       |
| 12-1.1 for cases brought to court (court fees and/or legal representation)         | 389 868<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP       |
| 12-1.2 for cases not brought to court (legal advice, ADR and other legal services) | 258 878<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP       |

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: The Public budget does not have a limit, the amounts actually paid depends on the number of cases.

## 013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

|  | Approved budget (in €)           | Implemented budget (in €)        |
|--|----------------------------------|----------------------------------|
| Total annual public budget allocated to the public prosecution services, in € (including 13.1) | 134 304 383<br>[ ] NA<br>[ ] NAP | 150 355 723<br>[ ] NA<br>[ ] NAP |
| 13.1. Annual public budget allocated to training of public prosecution services                | [ X ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP              |

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

## 014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

|                              | Preparation of the total court budget | Adoption/approval 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 |
|------------------------------|---------------------------------------|---|--|---|
| <b>Ministry of Justice</b>   | ( ) Yes<br>(X) No<br>[ ] NAP          | ( ) Yes<br>(X) No<br>[ ] NAP                | ( ) Yes<br>(X) No<br>[ ] NAP                             | ( ) Yes<br>(X) No<br>[ ] NAP                            |
| <b>Other ministry</b>        | ( ) Yes<br>(X) No<br>[ ] NAP          | ( ) Yes<br>(X) No<br>[ ] NAP                | ( ) Yes<br>(X) No<br>[ ] NAP                             | ( ) Yes<br>(X) No<br>[ ] NAP                            |
| <b>Parliament</b>            | ( ) Yes<br>(X) No<br>[ ] NAP          | (X) Yes<br>( ) No<br>[ ] NAP                | ( ) Yes<br>(X) No<br>[ ] NAP                             | ( ) Yes<br>(X) No<br>[ ] NAP                            |
| <b>Supreme Court</b>         | ( ) Yes<br>(X) No<br>[ ] NAP          | ( ) Yes<br>(X) No<br>[ ] NAP                | ( ) Yes<br>(X) No<br>[ ] NAP                             | ( ) Yes<br>(X) No<br>[ ] NAP                            |
| <b>High Judicial Council</b> | (X) Yes<br>( ) No<br>[ ] NAP          | ( ) Yes<br>(X) No<br>[ ] NAP                | ( ) Yes<br>(X) No<br>[ ] NAP                             | (X) Yes<br>( ) No<br>[ ] NAP                            |
| <b>Courts</b>                | ( ) Yes<br>(X) No<br>[ ] NAP          | ( ) Yes<br>(X) No<br>[ ] NAP                | ( ) Yes<br>(X) No<br>[ ] NAP                             | ( ) Yes<br>(X) No<br>[ ] NAP                            |
| <b>Inspection body</b>       | ( ) Yes<br>(X) No<br>[ ] NAP          | ( ) Yes<br>(X) No<br>[ ] NAP                | ( ) Yes<br>(X) No<br>[ ] NAP                             | (X) Yes<br>( ) No<br>[ ] NAP                            |
| <b>Other</b>                 | (X) Yes<br>( ) No<br>[ ] NAP          | ( ) Yes<br>(X) No<br>[ ] NAP                | (X) Yes<br>( ) No<br>[ ] NAP                             | ( ) Yes<br>(X) No<br>[ ] NAP                            |

If any other Ministry and/or inspection body and/or other, please specify: The President of the National Office for the Judiciary (NOJ):

- draws up – after having consulted with the National Judicial Council (NJC) and the President of the Supreme Court (Kúria) – his/her proposal concerning the budget of courts and the report on the implementation of the budget, which the Government shall transmit to the Parliament without amendment,
- exercises the duties related to the financial management of the courts and directs the internal control of the courts,

The NJC:

- forms an opinion on the proposal on the budget of the courts and on the report on the implementation of the budget, - controls the financial management of the courts

The Parliament decides upon the budget of the courts as the part of the national budget, with the restriction, that the budget of the courts cannot be lower as it was in the previous year.

The State Audit Office controls the financial management of the court system.

#### 014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

|                                      | Preparation of the budget | Arbitration and allocation of the budget | Day to day management of the budget | Evaluation and control of the use of the budget |
|--------------------------------------|---------------------------|--|-------------------------------------|---|
| <b>Management Board</b>              | ( ) Yes<br>(X) No         | ( ) Yes<br>(X) No                        | ( ) Yes<br>(X) No                   | ( ) Yes<br>(X) No                               |
| <b>Court President</b>               | (X) Yes<br>( ) No         | (X) Yes<br>( ) No                        | (X) Yes<br>( ) No                   | (X) Yes<br>( ) No                               |
| <b>Court administrative director</b> | ( ) Yes<br>(X) No         | ( ) Yes<br>(X) No                        | ( ) Yes<br>(X) No                   | ( ) Yes<br>(X) No                               |

|                                |  |  |  |  |
|--------------------------------|--|--|--|--|
| Head of the court clerk office | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Other                          | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

Comments - If "other", please specify: other: state audit office

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: Q13: Act C of 2017 on the state annual budget of 2018

### 1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

|   | Approved budget (in €)             | Implemented budget (in €) |
|---|------------------------------------|---------------------------|
| Total annual public budget allocated to the whole justice system in € | 1 612 253 232<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP       |

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:  
The act for implemented state budget of 2018 are not yet adopted by the Parliament.

### 015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

|  | Included                            | Not included             | Does not exist (NAP)     |
|--|-------------------------------------|--------------------------|--------------------------|
| Courts (see question 6 or 7)                       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Legal aid (see question 12 or 7)                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Public prosecution services (see question 13 or 7) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### 015-3. Other budgetary elements

|                    | Included                            | Not included                        | Does not exist (NAP)     |
|--------------------|-------------------------------------|-------------------------------------|--------------------------|
| Prison system      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Probation services | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|  |       |       |       |
|--|-------|-------|-------|
| High Judicial Council  | ( X ) | ( )   | ( )   |
| Constitutional court   | ( X ) | ( )   | ( )   |
| Judicial management body   | ( X ) | ( )   | ( )   |
| State advocacy   | ( )   | ( )   | ( X ) |
| Enforcement services   | ( )   | ( X ) | ( )   |
| Notariat   | ( )   | ( X ) | ( )   |
| Forensic services  | ( X ) | ( )   | ( )   |
| Judicial protection of juveniles   | ( )   | ( X ) | ( )   |
| Functioning of the Ministry of Justice                                     | ( X ) | ( )   | ( )   |
| Refugees and asylum seekers services                                       | ( X ) | ( )   | ( )   |
| Immigration Service  | ( )   | ( )   | ( X ) |
| Some police services (e.g. : transfer, investigation, prisoners' security) | ( X ) | ( )   | ( )   |
| Other  | ( )   | ( X ) | ( )   |

If "other", please specify:

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Act C of 2017 on the state annual budget of 2018

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

016. Does legal aid apply to:

|                         | Criminal cases   | Other than criminal cases  |
|-------------------------|--|--|
| Representation in court | ( X ) Yes<br>( ) No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | ( X ) Yes<br>( ) No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |



|  |   |   |
|--|---|---|
| Legal advice, ADR and other legal services | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
|--|---|---|

**016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.**

- According to the Legal Aid Act LXXX of 2003, the Legal Aid Service may grant legal aid in judicial and extrajudicial cases. The county justice services, as offices of first instance and in charge of receiving the applications for legal aid, do not merely assess the eligibility for aid but, in simple cases, provide legal assistance directly as well – without prior screening of the clients' financial capabilities. However, legal aid (legal advice, drafting a document) is primarily provided by legal aid providers (attorneys, notaries public, non-governmental organizations etc.) who are recorded into the Register of legal aid providers who have contractual relation with the Legal Aid Service. The latter provides professional legal assistance for socially disadvantaged people. The law defines the situations in which legal aid can be granted and those in which no legal aid may be provided.

**017. Does legal aid include the coverage of or the exemption from court fees?**

- ☒ Yes  
☐ No  
☐ NAP

If yes, please specify:

**018. 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  
☐ NAP

If yes, please specify:

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

|                                   | Criminal cases  | Other than criminal cases   |
|-----------------------------------|---|---|
| Legal aid granted for other costs | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments - If yes, please specify:

## **2.1.2.Information on legal aid**



**020. Please indicate the number of cases for which legal aid has been granted:**

|                                     | Total                       | Cases brought to court     | Cases not brought to court |
|-------------------------------------|-----------------------------|----------------------------|----------------------------|
| <b>TOTAL</b>                        | 10 240<br>[ ] NA<br>[ ] NAP | 3 267<br>[ ] NA<br>[ ] NAP | 6 973<br>[ ] NA<br>[ ] NAP |
| <b>In criminal cases</b>            | [ X ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP        |
| <b>In other than criminal cases</b> | [ X ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP        |

Comments - Please specify when appropriate:

**021. 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?**

|                            | Assisted by a free of charge lawyer |
|----------------------------|-------------------------------------|
| <b>Accused individuals</b> | ( X ) Yes<br>( ) No                 |
| <b>Victims</b>             | ( X ) Yes<br>( ) No                 |

Comments - If yes, please specify: Accused individuals may be assisted by a free of charge lawyer, if his or her monthly income does not exceed the minimum pension (88 EUR in 2018 and 2019). Victims may be assisted by a free of charge lawyer, if his or her monthly income does not exceed 793 EUR currently. The costs of these lawyers are financed by the public budget.

**022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?**

|                            | free selection of lawyer       |
|----------------------------|--------------------------------|
| <b>Accused individuals</b> | ( X ) Yes<br>( ) No<br>[ ] NAP |
| <b>Victims</b>             | ( X ) Yes<br>( ) No<br>[ ] NAP |

Comments

**023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?**

( X ) Yes

( ) No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: The rules concerning the objective and personal scope of the Act LXXX of 2003 on Legal Aid define a number of criteria to be taken into account for the granting of legal aid. For example: no legal aid may be granted in cases connected with entrepreneurial activities conducted by private persons or in cases connected with the establishment or functioning of social organizations. According to the Act LXXX of 2003 on Legal Aid, legal aid in extrajudicial cases provided for the applicants can be granted in two basic

forms: as free assistance, or by advancing the fees of the assistance. The criteria for granting legal aid are mainly concerning the amount of income of the applicant as well as his financial situation. Legal aid in criminal procedures provided only by advancing the fees of the assistance.

#### Extrajudicial cases:

The fees of legal aid shall be covered by the Hungarian State instead of the client if the net monthly income per capita of the client does not exceed the current minimum amount of the retirement pension established on the basis of the term of employment. The fees of legal aid provided by the registered legal aid providers shall be covered by the Hungarian State instead of the client if the net monthly income of the single client does not exceed the 150 percent of the current minimum amount of the retirement pension established on the basis of the term of employment, provided that he does not possess properties other than assets necessary for everyday life; objects, instruments, equipment used for work (e.g. for a taxi driver the car shall be regarded as such); and the real estate he lives in. The State shall advance the fees of legal aid for those who became victims of crime. The victim status is declared by the Victim Support Service. Victim may be granted for the above type of legal aid if his net monthly income does not exceed the 86 percent of the gross monthly average earnings of employees in the national economy of the second year before the current year. The State shall advance the fee of legal services in lieu of the individual if the monthly net income available to him does not exceed the 43 percent of the gross monthly average earnings of employees in the national economy of the second year before the current year.

#### Criminal procedures

The State shall advance the fee of legal services in lieu of the individual if the net monthly income per capita of the client does not exceed the current minimum amount of the retirement pension established on the basis of the term of employment. The State shall advance the fee of legal services in lieu of the individual if the net monthly income of the single client does not exceed the 150 percent of the current minimum amount of the retirement pension established on the basis of the term of employment, provided that he does not possess properties other than assets necessary for everyday life; objects, instruments, equipment used for work (e.g. for a taxi driver the car shall be regarded as such); and the real estate he lives in. The State shall advance the fees of legal aid for those who became victims of crime. The victim status is declared by the Victim Support Service. Victim may be granted for the above type of legal aid if his net monthly income does not exceed the 86 percent of the gross monthly average earnings of employees in the national economy of the second year before the current year.

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. The rules define the items of property that could not be taken into consideration. In particular, the following items:

- a) customary necessities and furnishings;
- b) real estates of the applicant that serve for his residential purposes, and those of his dependants;
- c) vehicle used by the applicant if he is with limited mobility, or without which he would become unable to practise his 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 there is no need to evaluate the financial situation of the applicant, because he 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 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 has made concerning his pecuniary situation and earning status, is entitled to the care and benefits he 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 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.

The State shall advance the fees of legal aid for those who became victims of crime. The victim status is declared by the Victim Support Service. Victim may be granted for the above type of legal aid if his net monthly income does not exceed the 86 percent of the gross

monthly average earnings of employees in the national economy of the second year before the current year.

**023. If yes, please specify in the table:**

|  | Annual income value (for one person), (in €) | Assets value (for one person), (in €) |
|--|--|---------------------------------------|
| Full legal aid to the applicant for criminal cases               | 1 056<br>[ ] NA<br>[ ] NAP                   | [ X ] NA<br>[ ] NAP                   |
| Full legal aid to the applicant for other than criminal cases    | 1 056<br>[ ] NA<br>[ ] NAP                   | [ X ] NA<br>[ ] NAP                   |
| Partial legal aid to the applicant for criminal cases            | [ X ] NA<br>[ ] NAP                          | [ X ] NA<br>[ ] NAP                   |
| Partial legal aid to the applicant for other than criminal cases | 4 752<br>[ ] NA<br>[ ] NAP                   | [ X ] NA<br>[ ] NAP                   |

**024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

( X ) Yes

( ) No

Comments - If yes, please explain the exact criteria for denying legal aid:

**025. 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)

Comments

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

( X ) Yes

( ) No

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

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

|                              | Judicial decisions direct how legal costs will be shared |
|------------------------------|--|
| in criminal cases            | ( X ) Yes<br>( ) No                                      |
| in other than criminal cases | ( X ) Yes<br>( ) No                                      |

Comments

## B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Ministry of Justice

### 2.2.Court users and victims

#### 2.2.1.Rights of the users and victims

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

|  | Yes | Internet adresse(es)  |
|--|-----|---|
| legal texts (e.g. codes, laws, regulations, etc.)              | ( ) | ( X ) <a href="http://njt.hu/">http://njt.hu/</a><br><a href="http://igazsagugyhivatal.gov.hu/download/4/c9/11000/aldozatsegitto_%20tajekoztato_2015jul_EN.pdf">http://igazsagugyhivatal.gov.hu/download/4/c9/11000/aldozatsegitto_%20tajekoztato_2015jul_EN.pdf</a><br><a href="http://igazsagugyhivatal.gov.hu/aldozatsegites">http://igazsagugyhivatal.gov.hu/aldozatsegites</a><br><a href="http://www.complex.hu">www.complex.hu</a> ,<br><a href="https://kereses.magyarorszag.hu/jogszabalykereso">https://kereses.magyarorszag.hu/jogszabalykereso</a><br><a href="http://igazsagugyhivatal.gov.hu/dokumentumok-aldozatsegites">http://igazsagugyhivatal.gov.hu/dokumentumok-aldozatsegites</a><br><a href="http://www.complex.hu">www.complex.hu</a> ,<br><a href="https://kereses.magyarorszag.hu/jogszabalykereso">https://kereses.magyarorszag.hu/jogszabalykereso</a><br><a href="http://www.jogszabalykereso.hu">www.jogszabalykereso.hu</a> ;<br><a href="http://net.jogtar.hu">http://net.jogtar.hu</a> |
| case-law of the higher court/s                                 | ( ) | ( X ) <a href="http://www.birosag.hu">www.birosag.hu</a> ;<br><a href="http://www.birosag.hu/ugyfelkapcsolati-portal/anonimhatarozatok-tara">http://www.birosag.hu/ugyfelkapcsolati-portal/anonimhatarozatok-tara</a><br><a href="http://birosag.hu/ugyfelkapcsolati-portal/anonim-hatarozatoktara">http://birosag.hu/ugyfelkapcsolati-portal/anonim-hatarozatoktara</a>  |
| other documents (e.g. downloadable forms, online registration) | ( ) | ( X )<br><a href="http://igazsagugyhivatal.gov.hu/download/2/c9/11000/A%2BB_%C3%A9krelemnyomtatv%C3%A1ny_%C3%A1ldozatseg%C3%ADt%C3%A9s.pdf">http://igazsagugyhivatal.gov.hu/download/2/c9/11000/A%2BB_%C3%A9krelemnyomtatv%C3%A1ny_%C3%A1ldozatseg%C3%ADt%C3%A9s.pdf</a><br><a href="http://birosag.hu/allampolgaroknak/nyomtatvanyok-urlapok">http://birosag.hu/allampolgaroknak/nyomtatvanyok-urlapok</a> ;<br><a href="http://e-ugyintezes.birosag.hu">http://e-ugyintezes.birosag.hu</a>  |

Please specify what documents and information are included in "other documents": "Other documents" include: downloadable forms, general information about court procedures and courts. Court users can submit complaints 24 hours a day, every day of the week, without

personal appearance using an electronic form via the e-client portal (<https://e-ugyintezes.birosag.hu/>). A so-called case duration calculator is also available, allowing the clients to submit their case to the court with the shortest case duration where the court of jurisdiction can be selected. A development enables court users logged in the system to receive SMS or e-mail alerts about essential events of their cases since 2014. Using the central website of the court as an example, the courts have developed their own websites, so in 2014 all 5 regional courts of appeal and all 20 regional courts have uniform online appearance. As regards communication, courts opened towards the social media, so the NOJ and several courts have a Facebook profile.

## 029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

☒ Yes, always

☐ No

☐ Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: Only in respect of 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.

## 030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

☒ Yes

☐ No

Comments - If yes, please specify: The victim specific information system consists of (1)the police' legal obligation to inform all victims at first contact (on the crime scene or when filing a report) on victim support possibilities by handing over a detailed information leaflet as well as giving oral notice,

(2)a 24/7 free-of-charge Victim Support Helpline (+36 80 225 225), available since 2015,

(3)victim support services in government offices,

(4)victim support centres in Budapest, Szombathely and Miskolc, which also help victims with customized information required for the enforcement of their interests (e.g., legal aid, financial services etc.) in addition to psychological and emotional support.

## 031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

|                                 | Information mechanism  | Special arrangements in hearings                                       | Other specific arrangements  |
|---------------------------------|--|--|--|
| Victims of sexual violence/rape | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Victims of terrorism            | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Minors (witnesses or victims)   | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Victims of domestic violence    | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| Ethnic minorities               | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Disabled persons                | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| Juvenile offenders              | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

|  |                     |                     |                     |
|--|---------------------|---------------------|---------------------|
| <b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b> | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
|--|---------------------|---------------------|---------------------|

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: The criminal procedural code contains special regulations for criminal procedures against juvenile offenders (offenders between 14-18, or in special cases between 12-14 years of age). There are also specific regulations if the victim or witness is a minor (under the age of 18).

For any vulnerable victim or witness it is available to:

- ask for their name and personal data to be kept secretly from other stakeholders of the procedure - if it is needed the witness or victim can be placed under witness protection program,
- the judge can order the accused person to leave the courtroom while the witness makes his/her testimony. The testimony later will be read to the accused person.

For disabled persons (either accused person, victim, or witness) as specific arrangement the authorities may hear them at a specific place other than the office of the authority. Ethnic minorities (either accused person, victim, or witness) may use the ethnic language during a criminal procedure free of charge (interpretation and translation shall be provided).

### 031-1. Is it possible for minors to be a party to a judicial proceeding:

( X ) Yes

( ) No

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

### 032. Does your country allocate compensation for victims of offences?

( X ) Yes, please specify for which kind of offences: violent and deliberate crimes

( ) No

Comments State compensation is allocated if it has been committed a violent and deliberate crime against the person whose bodily health and health have been severely impaired.

### 032-1. Is a court decision necessary in the framework of the compensation procedure?

( ) Yes

( X ) No

Comments

### 033. If yes, does this compensation come from:

[ X ] a public fund

[ X ] damages and interests to be paid by the person responsible

[ ] a private fund

Comments

### 034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

( X ) Yes

( ) No

Comments - 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:

### 035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

( X ) Yes

( ) No

Comments - If yes, please specify:

**036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

( X ) Yes

( ) No

[ ] NAP

Comments - If necessary, please specify:

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

|   | Number of requests for compensation | Number of condemnations | Total amount (in €) |
|---|-------------------------------------|-------------------------|---------------------|
| <b>Total</b>                            | [ X ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP     | [ X ] NA<br>[ ] NAP |
| <b>Excessive length of proceedings</b>  | [ X ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP     | [ X ] NA<br>[ ] NAP |
| <b>Non-execution of court decisions</b> | [ X ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP     | [ X ] NA<br>[ ] NAP |
| <b>Wrongful arrest</b>                  | [ X ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP     | [ X ] NA<br>[ ] NAP |
| <b>Wrongful conviction</b>              | [ X ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP     | [ X ] NA<br>[ ] NAP |
| <b>Other</b>                            | [ X ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP     | [ X ] NA<br>[ ] NAP |

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Excessive length:

If the court is not able to finish the cases within reasonable time a compensation may be awarded to the parties. The court decides about the compensation in a fast track procedure. The government given before the Parliament in October 2018 a bill proposal on the financial compensation related to the prolongation of certain court proceedings.

Non-execution of court decisions:

Usually the court orders a 15 day deadline for fulfilling its final decision. If the party that is obliged to do so does not fulfil this obligation he/she also has to pay an interest from that day.

Wrongful arrest:

The damages occurred for wrongful arrest, house arrest or preliminary detention at a psychiatric institution shall be compensated.

Wrongful condemnation:

If the person was convicted, but later - as a result of an extraordinary review procedure - he/she was not found guilty or received a lenient punishment. Any pecuniary punishment or cost of the procedure that was paid by the accused person should be repaid with interest



included.

Other: the court awards a compensation if the circumstances of the imprisonment of a convicted or arrested person violate his/her fundamental rights.

## 2.2.2 Confidence and satisfaction of citizens with their justice system

**038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?**

|   | National level   | Court level   |
|---|--|---|
| 1. Surveys aimed at judges  | <input checked="" type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input checked="" type="checkbox"/> Ad hoc | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input checked="" type="checkbox"/> Ad hoc |
| 2. Surveys aimed at court staff   | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input checked="" type="checkbox"/> Ad hoc            | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input checked="" type="checkbox"/> Ad hoc |
| 3. Surveys aimed at public prosecutors  | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc            | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| 4. Surveys aimed at lawyers   | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc            | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| 5. Surveys aimed at the parties   | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc            | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| 6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs) | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc            | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| 7. Surveys aimed at victims   | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc            | <input type="checkbox"/> Annual<br><input checked="" type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc |
| 8. Other not mentioned  | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc                       | <input type="checkbox"/> Annual<br><input type="checkbox"/> Other regular<br><input type="checkbox"/> Ad hoc            |

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: As a regular national survey we have a permanent satisfaction questionnaire for court users online: <https://e-ugyintezes.birosag.hu/kerdoiv>

Parallely many courts have paper based surveys aimed at either the court staff or the court users.

**040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)**

☒ Yes

☐ No

Comments

**041. If yes, please specify certain aspects of this procedure:**

|  | Authority responsible for dealing with the complaint | Existence of a time limit to deal with the complaint for this authority |
|--|--|---|
| Court concerned                        | ( X ) Yes<br>( ) No                                  | ( X ) Yes<br>( ) No   |
| Higher court                           | ( X ) Yes<br>( ) No                                  | ( X ) Yes<br>( ) No   |
| Ministry of Justice                    | ( ) Yes<br>( X ) No                                  | ( ) Yes<br>( X ) No   |
| High Judicial Council                  | ( ) Yes<br>( X ) No                                  | ( ) Yes<br>( X ) No   |
| Other external bodies (e.g. Ombudsman) | ( X ) Yes<br>( ) No                                  | ( X ) Yes<br>( ) No   |

Comments Other includes: e.g. Ombudsman, National Authority for Data Protection and Freedom of Information

#### 041-1. If yes, please specify certain aspects of this procedure:

|  | Number of complaints | Compensation amount granted |
|--|----------------------|-----------------------------|
| Court concerned                        | [ X ] NA<br>[ ] NAP  | [ X ] NA<br>[ ] NAP         |
| Higher court                           | [ X ] NA<br>[ ] NAP  | [ X ] NA<br>[ ] NAP         |
| Ministry of Justice                    | [ ] NA<br>[ X ] NAP  | [ ] NA<br>[ X ] NAP         |
| High Judicial Council                  | [ ] NA<br>[ X ] NAP  | [ ] NA<br>[ X ] NAP         |
| Other external bodies (e.g. Ombudsman) | [ X ] NA<br>[ ] NAP  | [ X ] NA<br>[ ] NAP         |

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

### 3.Organisation of the court system

#### 3.1.Courts

##### 3.1.1.Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.

|   | Number of courts         |
|---|--------------------------|
| 42.1 First instance courts of general jurisdiction (legal entities) | 113<br>[ ] NA<br>[ ] NAP |

|  |                          |
|--|--------------------------|
| <b>42.2 First instance specialised courts (legal entities)</b>   | 20<br>[ ] NA<br>[ ] NAP  |
| <b>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)</b> | 159<br>[ ] NA<br>[ ] NAP |

Comments Two new district courts were established (one in 2017 in the city of Szigetszentmiklós, another one in 2019 in the city of Érd).

113 District Courts (first instance courts of general jurisdiction)

20 Administrative and Labour Courts (specialized first instance courts)

20 Regional Courts (second instance courts of general jurisdiction + first instance courts in cases of higher importance)

5 Regional Courts of Appeal (second instance courts in cases of higher importance)

1 Supreme Court (special judicial review)

#### 043. Number (legal entities) of first instance specialised courts (or specific judicial order)

|   | Number of courts        |
|---|-------------------------|
| <b>Total (must be the same as the data given under question 42.2)</b> | 20<br>[ ] NA<br>[ ] NAP |
| <b>Commercial courts (excluded insolvency courts)</b>                 | [ ] NA<br>[ X ] NAP     |
| <b>Insolvency courts</b>  | [ ] NA<br>[ X ] NAP     |
| <b>Labour courts</b>  | 20<br>[ ] NA<br>[ ] NAP |
| <b>Family courts</b>  | [ ] NA<br>[ X ] NAP     |
| <b>Rent and tenancies courts</b>                                      | [ ] NA<br>[ X ] NAP     |
| <b>Enforcement of criminal sanctions courts</b>                       | [ ] NA<br>[ X ] NAP     |
| <b>Fight against terrorism, organised crime and corruption</b>        | [ ] NA<br>[ X ] NAP     |
| <b>Internet related disputes</b>                                      | [ ] NA<br>[ X ] NAP     |
| <b>Administrative courts</b>  | 20<br>[ ] NA<br>[ ] NAP |
| <b>Insurance and / or social welfare courts</b>                       | [ ] NA<br>[ X ] NAP     |
| <b>Military courts</b>  | [ ] NA<br>[ X ] NAP     |

|                                       |  |
|---------------------------------------|--|
| Other specialised 1st instance courts | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
|---------------------------------------|--|

Comments - If “other specialised 1st instance courts”, please specify:

**044. 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

Comments - Please specify: According to proposed legislation an independent administrative court system may be established in the future.

**045. Number of first instance courts (geographic locations) competent for a case concerning:**

|                                    | Number of courts   |
|------------------------------------|--|
| a debt collection for small claims | 113<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| an employment dismissal            | 20<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| a robbery                          | 133<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| an insolvency case                 | 20<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |

Comments Two new district courts were established (one in 2017 in the city of Szigetszentmiklós, another one in 2019 in the city of Érd).

**045-1. Is your definition for small claims the same as the one in the Explanatory note?**

☒ Yes

☐ No

Comments - If not, please give your definition for small claims: Small claims procedure: Any pecuniary claim that is under 3.000.000,- HUF (9.312 EUR) should be claimed by a payment order issued by a notary public. If the defendant contradicts the payment order, the case is sent to the court by the notary public.

These lawsuits are being dealt with by the district court on first instance.

**045-2. Please indicate the value in € of a small claim:**

[ 9 312 ]

Comments The value of a small claim for 2018 is 3.000.000 HUF (9 312 EUR) (previously it was 1.000.000 HUF; in EUR:, 3.586 EUR for 2010, 3.413 Eur for 2012, 3.174 EUR for 2014 and 3.232 EUR for 2016). The legal background of the value is the 3. § (2) section of the law 50/2009 (amended by ths 1st of January 2018).

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

Sources: National Office for the Judiciary

## 3.2. Court staff

### 3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts )

|  | Total                      | Males                    | Females                    |
|--|----------------------------|--------------------------|----------------------------|
| Total number of professional judges (1 + 2 + 3)                    | 2 892<br>[ ] NA<br>[ ] NAP | 902<br>[ ] NA<br>[ ] NAP | 1 990<br>[ ] NA<br>[ ] NAP |
| 1. Number of first instance professional judges                    | 1 682<br>[ ] NA<br>[ ] NAP | 475<br>[ ] NA<br>[ ] NAP | 1 207<br>[ ] NA<br>[ ] NAP |
| 2. Number of second instance (court of appeal) professional judges | 1 126<br>[ ] NA<br>[ ] NAP | 389<br>[ ] NA<br>[ ] NAP | 737<br>[ ] NA<br>[ ] NAP   |
| 3. Number of Supreme Court professional judges                     | 84<br>[ ] NA<br>[ ] NAP    | 38<br>[ ] NA<br>[ ] NAP  | 46<br>[ ] NA<br>[ ] NAP    |

Comment - Please provide any useful comment for interpreting the data above: There are additional 48 judges assigned to the National Office for the Judiciary (for work in accordance with judicial administration) and to the Ministry of Justice (to help the legislative work of the ministry). These judges do not hear cases while they are assigned.

047. Number of court presidents (professional judges).

|   | Total                    | Males                   | Females                 |
|---|--------------------------|-------------------------|-------------------------|
| Total number of court presidents (1 + 2 + 3)                    | 153<br>[ ] NA<br>[ ] NAP | 68<br>[ ] NA<br>[ ] NAP | 85<br>[ ] NA<br>[ ] NAP |
| 1. Number of first instance court presidents                    | 127<br>[ ] NA<br>[ ] NAP | 55<br>[ ] NA<br>[ ] NAP | 72<br>[ ] NA<br>[ ] NAP |
| 2. Number of second instance (court of appeal) court presidents | 25<br>[ ] NA<br>[ ] NAP  | 12<br>[ ] NA<br>[ ] NAP | 13<br>[ ] NA<br>[ ] NAP |
| 3. Number of Supreme Court presidents                           | 1<br>[ ] NA<br>[ ] NAP   | 1<br>[ ] NA<br>[ ] NAP  | 0<br>[ ] NA<br>[ ] NAP  |

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

|              | Figure              |
|--------------|---------------------|
| Gross figure | [ ] NA<br>[ X ] NAP |

|                         |  |
|-------------------------|--|
| In full-time equivalent | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
|-------------------------|--|

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

( ) Yes If yes, please give specifications on the types of cases and an estimate in percentage. ....

( ) No

☒ NAP

Comments

**049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):**

|                         | Figure   |
|-------------------------|--|
| Gross figure            | 2 235<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| In full time equivalent | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |

Comments From 1 July 2018 according to the new criminal procedure (Act XC of 2017), in criminal proceedings lay judges are only against minors and in military criminal procedure. Lay judges are appointed by representatives of the local government. In the proceedings, they have the same rights and obligations as the professional judge. According to constitutional rules, lay judges 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 lay judges (katonai ülnök) must serve in the professional staff of the Hungarian armed forces (Magyar Honvédség) or the law enforcement agencies. Lay judges are elected for a four year term. In criminal proceedings, courts comprise one professional judge (hivatásos bíró) and two associate judges if the accused person is a minor (under the age of 18). In appeal courts there are no lay judges. In labour cases the court of first instance consists of one professional judge and two lay judges.

**049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:**

|  | Yes | No    | Echevinage |
|--|-----|-------|------------|
| criminal cases (severe)                    | ( ) | ( )   | ( X )      |
| criminal cases (misdemeanour and/or minor) | ( ) | ( )   | ( X )      |
| family law cases                           | ( ) | ( X ) | ( )        |
| labour law cases                           | ( ) | ( )   | ( X )      |
| social law cases                           | ( ) | ( X ) | ( )        |

|                             |     |       |     |
|-----------------------------|-----|-------|-----|
| <b>commercial law cases</b> | ( ) | ( X ) | ( ) |
| <b>insolvency cases</b>     | ( ) | ( X ) | ( ) |
| <b>other civil cases</b>    | ( ) | ( X ) | ( ) |

[ ] NAP

Comments - If “other”, please specify:

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

( ) Yes

( X ) No

Comments

**050-1. If yes, for which type of case(s)?**

[ ] Criminal cases

[ ] Other than criminal cases

Comments

**051. Number of citizens who were involved in such juries for the year of reference:**

[ ]

[ ] NA

[ X ] NAP

Comments

**052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (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)**

|   | <b>Total</b>               | <b>Males</b>               | <b>Females</b>             |
|---|----------------------------|----------------------------|----------------------------|
| <b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>  | 8 528<br>[ ] NA<br>[ ] NAP | 1 316<br>[ ] NA<br>[ ] NAP | 7 212<br>[ ] NA<br>[ ] NAP |
| <b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>                           | 888<br>[ ] NA<br>[ ] NAP   | 184<br>[ ] NA<br>[ ] NAP   | 704<br>[ ] NA<br>[ ] NAP   |
| <b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b> | 935<br>[ ] NA<br>[ ] NAP   | 106<br>[ ] NA<br>[ ] NAP   | 829<br>[ ] NA<br>[ ] NAP   |

|  |                            |                            |                            |
|--|----------------------------|----------------------------|----------------------------|
| <b>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)</b> | [ X ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP        |
| <b>4. Technical staff</b>  | [ X ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP        |
| <b>5. Other non-judge staff</b>  | 6 705<br>[ ] NA<br>[ ] NAP | 1 026<br>[ ] NA<br>[ ] NAP | 5 679<br>[ ] NA<br>[ ] NAP |

Comments - If “other non-judge staff”, please specify: Other non-judge staff includes staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (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)**

|  | <b>Total</b>               | <b>Males</b>               | <b>Females</b>             |
|--|----------------------------|----------------------------|----------------------------|
| <b>Total non-judge staff working in courts (1+2+3)</b>                                       | 8 528<br>[ ] NA<br>[ ] NAP | 1 316<br>[ ] NA<br>[ ] NAP | 7 212<br>[ ] NA<br>[ ] NAP |
| <b>1. Total non-judge staff working in courts at first instance level</b>                    | 4 657<br>[ ] NA<br>[ ] NAP | 501<br>[ ] NA<br>[ ] NAP   | 4 156<br>[ ] NA<br>[ ] NAP |
| <b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b> | 3 652<br>[ ] NA<br>[ ] NAP | 759<br>[ ] NA<br>[ ] NAP   | 2 893<br>[ ] NA<br>[ ] NAP |
| <b>3. Total non-judge staff working in courts at Supreme Court level</b>                     | 219<br>[ ] NA<br>[ ] NAP   | 56<br>[ ] NA<br>[ ] NAP    | 163<br>[ ] NA<br>[ ] NAP   |

Comments

**053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

- [ ] legal aid
- [ X ] family cases
- [ ] payment orders
- [ X ] registry cases (land and/or business registry cases)
- [ X ] enforcement of civil cases
- [ X ] enforcement of criminal cases
- [ X ] other cases not mentioned (please describe in comment)
- [ X ] non-litigious cases
- [ ] NAP



Comments - Please briefly describe their status and duties:

## 054. Have the courts outsourced certain services under their responsibilities to external providers?

( X ) Yes

( ) No

Comments

### 054-1. If yes, please specify which services have been outsourced:

[ X ] IT services

[ ] Training of staff

[ X ] Security

[ ] Archives

[ X ] Cleaning

[ ] Other types of services (please specify): .....

Comments

## C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: National Office for the Judiciary

## 3.3. Public prosecution

### 3.3.1. Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

|  | Total                      | Males                    | Females                    |
|--|----------------------------|--------------------------|----------------------------|
| <b>Total number of prosecutors (1 + 2 + 3)</b>                             | 1 887<br>[ ] NA<br>[ ] NAP | 756<br>[ ] NA<br>[ ] NAP | 1 131<br>[ ] NA<br>[ ] NAP |
| <b>1. Number of prosecutors at first instance level</b>                    | 1 172<br>[ ] NA<br>[ ] NAP | 406<br>[ ] NA<br>[ ] NAP | 766<br>[ ] NA<br>[ ] NAP   |
| <b>2. Number of prosecutors at second instance (court of appeal) level</b> | 603<br>[ ] NA<br>[ ] NAP   | 286<br>[ ] NA<br>[ ] NAP | 317<br>[ ] NA<br>[ ] NAP   |
| <b>3. Number of prosecutors at Supreme Court level</b>                     | 112<br>[ ] NA<br>[ ] NAP   | 64<br>[ ] NA<br>[ ] NAP  | 48<br>[ ] NA<br>[ ] NAP    |

Please indicate any useful comment for interpreting the data above:

**056. Number of heads of prosecution offices.**

|   | Total                    | Males                   | Females                 |
|---|--------------------------|-------------------------|-------------------------|
| <b>Total number of heads of prosecution offices (1 + 2 + 3)</b>                             | 141<br>[ ] NA<br>[ ] NAP | 81<br>[ ] NA<br>[ ] NAP | 60<br>[ ] NA<br>[ ] NAP |
| <b>1. Number of heads of prosecution offices at first instance level</b>                    | 114<br>[ ] NA<br>[ ] NAP | 57<br>[ ] NA<br>[ ] NAP | 57<br>[ ] NA<br>[ ] NAP |
| <b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b> | 26<br>[ ] NA<br>[ ] NAP  | 23<br>[ ] NA<br>[ ] NAP | 3<br>[ ] NA<br>[ ] NAP  |
| <b>3. Number of heads of prosecution offices at Supreme Court level</b>                     | 1<br>[ ] NA<br>[ ] NAP   | 1<br>[ ] NA<br>[ ] NAP  | 0<br>[ ] NA<br>[ ] NAP  |

Please provide any useful comment for interpreting the data above:

**057. Do other persons have similar duties to those of public prosecutors?**

( ) Yes

(X) No

Comments - If yes, please specify their title and functions:

**057-1. Please specify their number (in full-time equivalent):**

[ ]  
[ ] NA

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

( ) Yes

( ) No

[ ] NAP

Comments

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?**

(X) Yes

( ) No

Comments

**060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

| Total | Males | Females |
|-------|-------|---------|
|       |       |         |

|  |                 |               |                 |
|--|-----------------|---------------|-----------------|
| Number of staff (non-public prosecutors)<br>attached to the public prosecution service | 2 491<br>[ ] NA | 483<br>[ ] NA | 2 008<br>[ ] NA |
|--|-----------------|---------------|-----------------|

Comments

## C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Personnel Department of the Prosecutor General's Office

### 3.4. Gender equality

#### 3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

|                    | Yes, please specify | No    |
|--------------------|---------------------|-------|
| judges             | ( )                 | ( X ) |
| prosecutors        | ( )                 | ( X ) |
| non-judge staff    | ( )                 | ( X ) |
| lawyers            | ( )                 | ( X ) |
| notaries           | ( )                 | ( X ) |
| enforcement agents | ( )                 | ( X ) |

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

|                 | Yes, please specify | No    |
|-----------------|---------------------|-------|
| judges          | ( )                 | ( X ) |
| prosecutors     | ( )                 | ( X ) |
| non-judge staff | ( )                 | ( X ) |
| lawyers         | ( )                 | ( X ) |

|                           |     |       |
|---------------------------|-----|-------|
| <b>notaries</b>           | ( ) | ( X ) |
| <b>enforcement agents</b> | ( ) | ( X ) |

[ ] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

### **3.4.2 At national level**

**061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:**

|                           | <b>Yes</b> | <b>No</b> |
|---------------------------|------------|-----------|
| <b>judges</b>             | ( X )      | ( )       |
| <b>prosecutors</b>        | ( )        | ( X )     |
| <b>non-judge staff</b>    | ( X )      | ( )       |
| <b>lawyers</b>            | ( )        | ( X )     |
| <b>notaries</b>           | ( )        | ( X )     |
| <b>enforcement agents</b> | ( )        | ( X )     |

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? The president of the national office for the judiciary releases a detailed report in every year about the central administration of the judicial system. In this report the number of male/female judges and judicial employees are published.

**061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?**

( ) Yes

( X ) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

**061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:**

|                                  | <b>Yes, please specify</b> | <b>No</b> |
|----------------------------------|----------------------------|-----------|
| <b>the recruitment of judges</b> | ( )                        | ( X )     |
| <b>the promotion of judges</b>   | ( )                        | ( X )     |

|                                    |     |       |
|------------------------------------|-----|-------|
| the recruitment of prosecutors     | ( ) | ( X ) |
| the promotion of prosecutors       | ( ) | ( X ) |
| the recruitment of non-judge staff | ( ) | ( X ) |
| the promotion of non-judge staff   | ( ) | ( X ) |

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments At national level not specifically for justice system, but there is the Equal Treatment Authority [Egyenl Bánásmód Hatóság (EBH), hereinafter referred to as the Authority]. It is responsible for monitoring the implementation of the principle of equal treatment, and its jurisdiction extends across Hungary. The Authority is an independent and autonomous administrative body, subject only to the laws. It is not subject to instructions regarding its functions, and it discharges its responsibilities separately from other bodies and free of outside influence. Its responsibilities must be set out in law. The President of the Equal Treatment Authority is nominated by the Prime Minister and appointed by the President of the Republic for a term of nine years.

The Authority's first and main responsibility is to investigate complaints and reports filed concerning cases involving alleged discrimination. The Authority conducts its investigations based on the rules governing public administration procedures, and its work is helped by a nationwide network of equal treatment consultants.

The legal framework for the activities of the Equal Treatment Authority is set out in Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (hereinafter referred to as the Ebktv following the Hungarian abbreviation).

[www.egyenlobanasmod.hu](http://www.egyenlobanasmod.hu)

At the Prosecution Service:

On the basis of Article 63 (4) of the Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities , the order of the Prosecutor General No 27/2013 (XII. 21.) LÜ on Equal Opportunities, sets out the principles of equal treatment, non-discrimination and the promotion of equal opportunities, and has established an equal opportunity officer position.

According to the instructions, the prosecutor's office is prohibited from discriminating against public prosecutors during employment. The prohibition of discrimination covers, in particular, the establishment of a prosecutor's service relationship, the determination of salaries and other remuneration, discounts and reimbursements, the definition of training, further training, other forms of incentive, termination of service, and other issues related to prosecution employment. The ban on job seekers and prosecutors extends to any kind - especially age, gender, marital status, maternity (pregnancy), paternity, nationality, nationality, race, origin, religion, political belief, membership of an interest representation body - discrimination.

According to the order, in case of violation of equal treatment, you can address the Equal Opportunities Officer appointed by the Prosecutor General by indicating the reasons for the injured prosecutor. Within fifteen days, the rapporteur will forward his / her position regarding the injury in writing to the prosecutor in charge of the injured party and the prosecutor in order to put an end to the established law. The workplace leader decides in writing on the matter within fifteen days, and may suspend the execution of his / her action at the initiative of the prosecutor.

#### 061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) <https://www.egyenlobanasmod.hu/en/basic-page/important-information-procedure-equal-treatment-authority>

The order of the Prosecutor General No 27/2013 (XII. 21.) LÜ on Equal Opportunities

[ ] NAP

#### 061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) The Authority is an independent and autonomous administrative body, subject only to the

laws. It is not subject to instructions regarding its functions, and it discharges its responsibilities separately from other bodies and free of outside influence. Its responsibilities must be set out in law. The President of the Equal Treatment Authority is nominated by the Prime Minister and appointed by the President of the Republic for a term of nine years.

[ ] NAP

**061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:**

(e.g. block a decision or allow an appeal) What decision can be taken by the authority?  
 If it is proved in the course of the procedure that the person or organization placed under the procedure violated the principle of equal treatment, the Authority may  
 order that the state of infringement be terminated,  
 forbid the continuation of the violation,  
 order that its final decision declaring the infringement be made public,  
 impose fine from HUF 50 thousand to HUF 6 million,  
 decide on the procedural cost in a way that it must be covered by the offending party.  
 However, the Authority may not establish financial compensation for a client and may not order the restoration of the original status either (e.g. may not oblige an employer to take the complainant back to his original position).  
 Prior to taking a decision the Authority shall try in all cases to reach a settlement between the parties. If the parties show willingness and settlement was reached, which corresponds to the law, the Authority shall approve the settlement in a decision. The implementation of the settlement may be enforced in the same way as of the decisions establishing the breach of law.  
 The procedure is free of duty.  
 Remedy against the decision of the authority  
 No appeal lies against the decision taken by the EBH, the court review of the decision may be requested at the Budapest Metropolitan Public Administration and Labour Court. Court proceedings are free of duty only if the petitioner was granted personal exemption from duty.  
[www.egyenlobanasmod.hu](http://www.egyenlobanasmod.hu)

[ ] NAP

**3.4.3 At court/public prosecution services level**



**061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:**

|  | Yes | No    |
|--|-----|-------|
| in courts (judges)                           | ( ) | ( X ) |
| in public prosecution services (prosecutors) | ( ) | ( X ) |

|                             |     |       |
|-----------------------------|-----|-------|
| for courts' non-judge staff | ( ) | ( X ) |
|-----------------------------|-----|-------|

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

**061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:**

|  | Yes | No    |
|--|-----|-------|
| Assignment in different positions                        | ( ) | ( X ) |
| Workload distribution                                    | ( ) | ( X ) |
| Working hours  | ( ) | ( X ) |
| Modalities of teleworking and presence in the work space | ( ) | ( X ) |
| Replacement of absent persons                            | ( ) | ( X ) |
| Organisation of the hearings                             | ( ) | ( X ) |
| Other  | ( ) | ( X ) |

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

**061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:**

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

[ X ] NAP

**061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:**

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

☒ NAP

**061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:**

|   | Yes, please specify                                    | No    |
|---|--|-------|
| <b>judges and court staff are more chosen among males or females according to the type of cases</b>     | ( )  | ( X ) |
| <b>the composition of hearings with several judges is always mixed</b>                                  | ( )  | ( X ) |
| <b>statistics exist concerning males and females who initiate a case/victims, accused persons, etc.</b> | ( X ) statistics cover the gender of convicted persons | ( )   |

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments. statistics cover the gender of convicted persons

### **3.5 Use of information technologies in courts**

#### **3.5.1 General policies in Information Technology in judicial systems**

**062-1. Basic principles and models used in Information technology policies and strategies definition**

Organisation



|                                   |  |
|-----------------------------------|--|
| <b>IT policies and strategies</b> | <input checked="" type="checkbox"/> defined and coordinated at national level by one institution<br><input type="checkbox"/> defined and coordinated at national level by several institutions<br><input type="checkbox"/> defined and coordinated at unit/stakeholder level<br><input type="checkbox"/> other |
| <b>IT Governance</b>              | <input checked="" type="checkbox"/> governed on national level by one institution<br><input type="checkbox"/> governed on national level by several institutions<br><input type="checkbox"/> organised at unit/stakeholder level<br><input type="checkbox"/> other   |

Comments The National Office for the Judiciary coordinates IT policies and strategies.

**065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?**

- ☐ administrative, technical and scientific staff only
- ☒ mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- ☐ other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

**065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?**

|   | Implementing new projects  | Management of applications  |
|---|--|---|
| Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> Non |
| Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> Non |
| Other alternatives (external service provider only – specify in a comment)  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> Non |

Comments - please also describe in case of “other alternatives”

**065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?**

- ☒ Yes
- ☐ No

Comments (please specify projects that have experienced national developments) Sharing good local practices and applications is happening on a regular basis, as the National Office for the Judiciary organizes workshops for the courts to share their experience.

**065-4. Have you measured the impact resulting from the implementation of one or several**

## components of your new information system?

( X ) Yes

( ) No

### 065-4-1. If yes, have you measured the impact on (multiple answers possible):

[ ] Business processes

[ X ] Workload

[ X ] Human resources

[ ] Costs

[ ] Other, please specify .....

Comments (please specify examples of the impact) Our IT applications allow court executives to gather information on the timely jurisdiction of the cases of the court. This helps the court executives to take adequate measures in types of cases if it is needed to support the effective jurisdiction of the court. Timeframe reduction is a general consequence of electronic communication between the court and the parties in civil cases. The exact benefits of electronic communication is currently being investigated.

## 3.5.2 Security of courts information system and personal data protection

### 065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

( X ) Yes

( ) No

Comments (please specify in particular if national frameworks of information security exist):

### 065-6. Is the protection of personal data managed by courts ensured at legislative level?

( X ) Yes

( ) No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.)

## 3.5.3 Centralised databases for decision support

### 062-4. Is there a centralised national database of court decisions (case-law, etc.)?

( X ) Yes

( ) Non

Comments Case-law database will be available in open data from 2020.

#### 062-4-1. If yes, please specify the following information:

| For 1st instance decisions | For 2nd instance decisions | For 3rd instance decisions | Link with ECHR case law | Data anonymised | Case-law database available free online | Case-law database available in open data |
|----------------------------|----------------------------|----------------------------|-------------------------|-----------------|---|--|
|                            |                            |                            |                         |                 |   |  |

|                                |   |   |   |                     |                     |                     |                     |
|--------------------------------|---|---|---|---------------------|---------------------|---------------------|---------------------|
| <b>Civil and/or commercial</b> | ( X ) Yes all judgements<br>( ) Yes some judgements<br>( ) No | ( X ) Yes all judgements<br>( ) Yes some judgements<br>( ) No | ( X ) Yes all judgements<br>( ) Yes some judgements<br>( ) No | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |
| <b>Criminal</b>                | ( X ) Yes all judgements<br>( ) Yes some judgements<br>( ) No | ( X ) Yes all judgements<br>( ) Yes some judgements<br>( ) No | ( X ) Yes all judgements<br>( ) Yes some judgements<br>( ) No | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |
| <b>Administrative</b>          | ( X ) Yes all judgements<br>( ) Yes some judgements<br>( ) No | ( X ) Yes all judgements<br>( ) Yes some judgements<br>( ) No | ( X ) Yes all judgements<br>( ) Yes some judgements<br>( ) No | ( ) Yes<br>( X ) No | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |

Comments - if it exists in other matters please specify

#### 062-6. Is there a computerised national record centralising all criminal convictions?

( X ) Yes

( ) No

Comments

##### 062-6-1. If yes, please specify the following information:

[ ] Linkage with other European records of the same nature

[ X ] Content directly available through computerised means for judges and/or prosecutors

[ ] Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

### 3.5.4 Writing assistance tools

#### 062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

( X ) Yes

( ) No

Comment – if it exists in other matters please specify

##### 062-7-1. If yes, please specify the following information:

|                   |
|-------------------|
| Availability rate |
|-------------------|

|                                |   |
|--------------------------------|---|
| <b>Civil and/or commercial</b> | <input type="checkbox"/> 100%<br><input checked="" type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA |
| <b>Criminal</b>                | <input type="checkbox"/> 100%<br><input checked="" type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA |
| <b>Administrative</b>          | <input type="checkbox"/> 100%<br><input checked="" type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA |

## 062-8. Are there voice recording tools?

☒ Yes

☐ No

Comments

### 062-8-1. If yes, please specify:

|                                | Availability of simple dictation tools  | Availability of multiple speakers recording tools   | Voice recognition feature   |
|--------------------------------|---|---|---|
| <b>Civil and/or commercial</b> | <input checked="" type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input type="checkbox"/> in some courts / some pilot phases<br><input type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input type="checkbox"/> in some courts / some pilot phases<br><input checked="" type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> Pilot testing<br><input type="checkbox"/> No<br><input type="checkbox"/> NA |
| <b>Criminal</b>                | <input checked="" type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input type="checkbox"/> in some courts / some pilot phases<br><input type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input type="checkbox"/> in all courts<br><input type="checkbox"/> in most of the courts<br><input checked="" type="checkbox"/> in some courts / some pilot phases<br><input type="checkbox"/> not available for this matter<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> Pilot testing<br><input type="checkbox"/> No<br><input type="checkbox"/> NA |

|                       |   |   |   |
|-----------------------|---|---|---|
| <b>Administrative</b> | <input checked="" type="checkbox"/> ( X ) in all courts<br><input type="checkbox"/> ( ) in most of the courts<br><input type="checkbox"/> ( ) in some courts / some pilot phases<br><input type="checkbox"/> ( ) not available for this matter<br><input type="checkbox"/> [ ] NA | <input type="checkbox"/> ( ) in all courts<br><input type="checkbox"/> ( ) in most of the courts<br><input type="checkbox"/> ( ) in some courts / some pilot phases<br><input checked="" type="checkbox"/> ( X ) not available for this matter<br><input type="checkbox"/> [ ] NA | <input checked="" type="checkbox"/> ( X ) Yes<br><input type="checkbox"/> ( ) Pilot testing<br><input type="checkbox"/> ( ) No<br><input type="checkbox"/> [ ] NA |
|-----------------------|---|---|---|

## 062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

### Availability rate:

- ☒ ( X ) 100% - accessible to everyone in judiciary  
☐ ( ) 50-99% - accessible for most judges/prosecutors in all instances  
☐ ( ) 10-49% - in some courts only  
☐ ( ) 1-9% - in one court only  
☐ ( ) 0% (NAP) - No access

☐ [ ] NA

Comments

## 3.5.5 Technologies used for administration of the courts and case management

### 063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- ☒ ( X ) Yes  
☐ ( ) No

Comments - if it exists in other matters please specify

#### 063-1-1. If yes, please specify the following information:

|                                | CMS deployment rate   | Status of case online  | Centralised or interoperable database   | Early warning signals (for active case management)  | Status of integration/connection of a CMS with a statistical tool   |
|--------------------------------|---|--|---|---|---|
| <b>Civil and/or commercial</b> | <input checked="" type="checkbox"/> ( X ) 100%<br><input type="checkbox"/> ( ) 50-99%<br><input type="checkbox"/> ( ) 10-49%<br><input type="checkbox"/> ( ) 1-9%<br><input type="checkbox"/> ( ) 0% (NAP)<br><input type="checkbox"/> [ ] NA | <input checked="" type="checkbox"/> ( X ) accessible to parties<br><input type="checkbox"/> ( ) publication of decision online<br><input type="checkbox"/> ( ) both<br><input type="checkbox"/> ( ) not accessible at all<br><input type="checkbox"/> [ ] NA<br><input type="checkbox"/> [ ] NAP | <input checked="" type="checkbox"/> ( X ) Yes<br><input type="checkbox"/> ( ) No<br><input type="checkbox"/> [ ] NA<br><input type="checkbox"/> [ ] NAP | <input checked="" type="checkbox"/> ( X ) Yes<br><input type="checkbox"/> ( ) No<br><input type="checkbox"/> [ ] NA<br><input type="checkbox"/> [ ] NAP | <input type="checkbox"/> ( ) Fully integrated including BI<br><input checked="" type="checkbox"/> ( X ) Integrated<br><input type="checkbox"/> ( ) Not integrated but connected<br><input type="checkbox"/> ( ) Not connected at all<br><input type="checkbox"/> [ ] NA<br><input type="checkbox"/> [ ] NAP |

|                       |   |  |   |   |   |
|-----------------------|---|--|---|---|---|
| <b>Criminal</b>       | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> accessible to parties<br><input type="checkbox"/> publication of decision online<br><input type="checkbox"/> both<br><input type="checkbox"/> not accessible at all<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI<br><input checked="" type="checkbox"/> Integrated<br><input type="checkbox"/> Not integrated but connected<br><input type="checkbox"/> Not connected at all<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Administrative</b> | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> accessible to parties<br><input type="checkbox"/> publication of decision online<br><input type="checkbox"/> both<br><input type="checkbox"/> not accessible at all<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> Fully integrated including BI<br><input checked="" type="checkbox"/> Integrated<br><input type="checkbox"/> Not integrated but connected<br><input type="checkbox"/> Not connected at all<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

## 063-2. Computerised registries managed by courts

|                          | Deployment rate   | Data consolidated at national level                                    | Service available online   | Statistical module integrated or connected                             |
|--------------------------|---|--|--|--|
| <b>Land registry</b>     | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input checked="" type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>Business registry</b> | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

Comment – if it exists in other matters please specify

## 063-6. Budgetary and financial management systems of courts

| Tool deployment rate | Data consolidated at national level | System communicating with other ministries (financial among others) |
|----------------------|-------------------------------------|---|
|                      |                                     |   |

|   |   |  |  |
|---|---|--|--|
| <b>Budgetary and financial management of courts</b> | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Justice expenses management</b>                  | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Other (please specify in comments)</b>           | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

Comments NEXON HR - budgetary aspects of human resource management, KIRA - management of wages.

**063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)**

☒ Yes

☐ No

Comments

**063-7-1. If yes, please specify the following information:**

|   | <b>Tools deployment rate</b>  | <b>Data used for monitoring at national level</b>   | <b>Data used for monitoring at court local level</b>  | <b>Tool integrated in the CMS</b>   |
|---|---|---|---|---|
| <b>For judges</b>                         | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>For prosecutors</b>                    | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>For non-judge/non-prosecutor staff</b> | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input checked="" type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

### 3.5.6 Technologies used for communication between courts, professionals and/or court

#### users

**064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)**

☒ Yes

☐ No

Comments

**064-2-1. If yes, please specify the following information:**

|                                | Availability rate   | Simultaneous submission of cases in paper form remains mandatory  | Specific legislative framework authorising the submission of a case   | An integrated/connect ed tool with the CMS  |
|--------------------------------|---|---|---|---|
| <b>Civil and/or commercial</b> | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Criminal</b>                | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Administrative</b>          | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments - if it exist in other matters please specify

**064-3. Is it possible to request legal aid by electronic means?**

☒ Yes

☐ No

Comments

**064-3-1. If yes, please specify the following information:**

Requesting legal aid electronically



|   |   |
|---|---|
| Availability rate   | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA |
| Formalisation of the request in paper form remains mandatory                        | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| Specific legislative framework regarding requests for legal aid by electronic means | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| Granting legal aid is also electronic   | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| Information available in CMS  | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |

**064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)**

☒ Yes

☐ No

Comments

**064-4-1. If yes, please specify the following information:**

|                         | Summons produced by CMS             | Simultaneous summon in paper form remains mandatory | Consent of the user to be notified by electronic means | Modalities (if other please specify in comments)   | Specific legislative framework      |
|-------------------------|-------------------------------------|---|--|--|-------------------------------------|
| Civil and/or commercial | <input checked="" type="checkbox"/> | <input type="checkbox"/>                            | <input checked="" type="checkbox"/>                    | <input type="checkbox"/> SMS<br><input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Specific computer application<br><input type="checkbox"/> Other | <input checked="" type="checkbox"/> |
| Criminal                | <input checked="" type="checkbox"/> | <input type="checkbox"/>                            | <input checked="" type="checkbox"/>                    | <input type="checkbox"/> SMS<br><input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Specific computer application<br><input type="checkbox"/> Other | <input checked="" type="checkbox"/> |

|                       |   |                              |   |  |   |
|-----------------------|---|------------------------------|---|--|---|
| <b>Administrative</b> | <input checked="" type="checkbox"/> [ X ] | <input type="checkbox"/> [ ] | <input checked="" type="checkbox"/> [ X ] | <input type="checkbox"/> [ ] SMS<br><input type="checkbox"/> [ ] E-mail<br><input checked="" type="checkbox"/> [ X ] Specific computer application<br><input type="checkbox"/> [ ] Other | <input checked="" type="checkbox"/> [ X ] |
|-----------------------|---|------------------------------|---|--|---|

Comments Consent of the user to be notified by electronic means is only required by private parties. For lawyers, companies, state agencies it is mandatory.

**064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

**Communication between court and lawyers representing parties**

☒ ( X ) Yes

☐ ( ) No

**Communication between court and parties not represented by lawyer**

☒ ( X ) Yes

☐ ( ) No

Comments

**064-6-1. If yes, please specify the following information:**

|                                | <b>Tool deployment rate</b>  | <b>Trial phases concerned</b>   | <b>Modalities (if there are different according to the trial phases or if other, please specify in a comment)</b>                                    | <b>Specific legal framework</b>               |
|--------------------------------|--|---|--|---|
| <b>Civil and/or commercial</b> | <input checked="" type="checkbox"/> [ X ] 100%<br><input type="checkbox"/> [ ] 50-99%<br><input type="checkbox"/> [ ] 10-49%<br><input type="checkbox"/> [ ] 1-9%<br><input type="checkbox"/> [ ] 0% (NAP) -<br>for this matter<br><input type="checkbox"/> [ ] NA | <input checked="" type="checkbox"/> [ X ] Submission of a case to a court<br><input checked="" type="checkbox"/> [ X ] Phases preparatory to a hearing<br><input checked="" type="checkbox"/> [ X ] Schedule of hearings and/or appeals management<br><input checked="" type="checkbox"/> [ X ] Transmission of court decisions | <input type="checkbox"/> [ ] E-mail<br><input checked="" type="checkbox"/> [ X ] Specific computer application<br><input type="checkbox"/> [ ] Other | <input checked="" type="checkbox"/> [ X ] Yes |

|                       |  |  |   |   |
|-----------------------|--|--|---|---|
| <b>Criminal</b>       | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP) -<br>for this matter<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission<br>of a case to a court<br><input checked="" type="checkbox"/> Phases<br>preparatory to a<br>hearing<br><input checked="" type="checkbox"/> Schedule of<br>hearings and/or<br>appeals management<br><input checked="" type="checkbox"/><br>Transmission of<br>court decisions | <input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Specific<br>computer application<br><input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| <b>Administrative</b> | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP) -<br>for this matter<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> Submission<br>of a case to a court<br><input checked="" type="checkbox"/> Phases<br>preparatory to a<br>hearing<br><input checked="" type="checkbox"/> Schedule of<br>hearings and/or<br>appeals management<br><input checked="" type="checkbox"/><br>Transmission of<br>court decisions | <input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Specific<br>computer application<br><input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |

Comments

**064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)**

|  | Tool deployment rate  | Modalities (if there are different according to the deeds or if other, please specify in a comment)                                       | Specific legal framework                |
|--|---|---|---|
| <b>Enforcement agents (as defined in Q169 and following)</b> | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Specific<br>computer application<br><input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| <b>Notaries (as defined in Q192 and following)</b>           | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Specific<br>computer application<br><input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
| <b>Experts (as defined in Q202 and following)</b>            | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Specific<br>computer application<br><input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |

|                                 |   |  |   |
|---------------------------------|---|--|---|
| <b>Judicial police services</b> | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> E-mail<br><input checked="" type="checkbox"/> Specific computer application<br><input type="checkbox"/> Other | <input checked="" type="checkbox"/> Yes |
|---------------------------------|---|--|---|

Comments

**064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)**

☒ Yes

☐ No

Comments – Please describe the system that exists. order of payments issued by public notaries

**064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)**

☒ Yes

☐ No

Comments

**064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):**

|                                | Deployment rate<br>(chose one only)   | Proceeding phase  | Specific legislative<br>framework                                      |
|--------------------------------|---|---|--|
| <b>Civil and/or commercial</b> | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input checked="" type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> Prior to the hearing<br><input checked="" type="checkbox"/> During the hearing<br><input type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Criminal</b>                | <input checked="" type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> Prior to the hearing<br><input checked="" type="checkbox"/> During the hearing<br><input type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Administrative</b>          | <input type="checkbox"/> 100%<br><input type="checkbox"/> 50-99%<br><input checked="" type="checkbox"/> 10-49%<br><input type="checkbox"/> 1-9%<br><input type="checkbox"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="checkbox"/> Prior to the hearing<br><input checked="" type="checkbox"/> During the hearing<br><input type="checkbox"/> After the hearing | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

Comments

## 064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

( X ) Yes

( ) No

Comments

### 064-11-1. If yes, please specify the following information:

|                                | Tool deployment rate   | Type of recording  | Specific legislative framework  |
|--------------------------------|--|--|---|
| <b>Civil and/or commercial</b> | <input type="radio"/> 100%<br><input type="radio"/> 50-99%<br><input type="radio"/> 10-49%<br><input checked="" type="radio"/> 1-9%<br><input type="radio"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="radio"/> Sound<br><input type="radio"/> Video<br><input checked="" type="radio"/> Both<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="radio"/> Yes<br><input type="radio"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Criminal</b>                | <input checked="" type="radio"/> 100%<br><input type="radio"/> 50-99%<br><input type="radio"/> 10-49%<br><input type="radio"/> 1-9%<br><input type="radio"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="radio"/> Sound<br><input type="radio"/> Video<br><input checked="" type="radio"/> Both<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="radio"/> Yes<br><input type="radio"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>Administrative</b>          | <input type="radio"/> 100%<br><input type="radio"/> 50-99%<br><input type="radio"/> 10-49%<br><input checked="" type="radio"/> 1-9%<br><input type="radio"/> 0% (NAP)<br><input type="checkbox"/> NA | <input type="radio"/> Sound<br><input type="radio"/> Video<br><input checked="" type="radio"/> Both<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="radio"/> Yes<br><input type="radio"/> No<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

## 064-12. Is electronic evidence admissible?

|                                | Admissibility of electronic evidence                             | Legislative framework  |
|--------------------------------|--|--|
| <b>Civil and/or commercial</b> | <input checked="" type="radio"/> Yes<br><input type="radio"/> No | <input type="radio"/> General law only<br><input checked="" type="radio"/> General and specialised law<br><input type="radio"/> Specialised law only |
| <b>Criminal</b>                | <input checked="" type="radio"/> Yes<br><input type="radio"/> No | <input type="radio"/> General law only<br><input checked="" type="radio"/> General and specialised law<br><input type="radio"/> Specialised law only |
| <b>Administrative</b>          | <input checked="" type="radio"/> Yes<br><input type="radio"/> No | <input type="radio"/> General law only<br><input checked="" type="radio"/> General and specialised law<br><input type="radio"/> Specialised law only |

Comments

## 3.6. Performance and evaluation

### 3.6.1.National policies applied in courts and public prosecution services

**066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?**

☒ Yes

☐ No

Comments - If yes, please specify:

**067. Do you have specialised personnel entrusted with implementation of these national level quality standards?**

|  | Yes / No   |
|--|--|
| within the courts                      | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| within the public prosecution services | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

Comments

### 3.6.2.Performance and quality objectives at court level/public prosecution services

**077. Concerning court activities, have you defined performance and quality indicators?**

☒ Yes

☐ No

Comments

**078. If yes, please select the main performance and quality indicators that have been defined for courts:**

☒ number of incoming cases

☒ length of proceedings (timeframes)

☒ number of resolved cases

☒ number of pending cases

☒ backlogs

☒ productivity of judges and court staff

☐ satisfaction of court staff

☐ satisfaction of users (regarding the services delivered by the courts)

☐ costs of the judicial procedures

☒ number of appeals

☒ appeal ratio

☒ clearance rate

☒ disposition time

[ X ] other (please specify):see in comments

Comments Among others: individual judge's statistics; statistics on the reasons of the postpone of the trials; number of trial days in cases; number of cases heard per day; pending cases of an individual judge / court; the time frame of pending cases; number of appealed cases; the subject of incoming / finished / pending cases; the ratio of litigious and non-litigious cases; cases that are pending over 2 or 5 years have a separated statistical report every month; cases in which there were no actions taken in the last 30 days by the court have a separated statistical report every month

**077-1. Concerning public prosecution activities, have you defined performance and quality indicators?**

( ) Yes

( X ) No

Comments

**078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:**

[ ] number of incoming cases

[ ] length of proceedings (timeframes)

[ ] number of resolved cases

[ ] number of pending cases

[ ] backlogs

[ ] productivity of prosecutors and prosecution staff

[ ] satisfaction of prosecution staff

[ ] satisfaction of users (regarding the services delivered by the public prosecutors)

[ ] costs of the judicial procedures

[ ] clearance rate

[ ] disposition time

[ ] percentage of convictions and acquittals

[ ] other (please specify): .....

Comments

**073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?**

( X ) Yes

( ) No

Comments

**073-0. If yes, please specify the frequency:**

( ) Annual

( ) Less frequent

( X ) More frequent

Comments - If "less frequent" or "more frequent", please specify: The statistics of the court system are composed in every quarter, half and whole year. It is published on the central internet website of the courts in every half year.

**073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?**

☒ Yes

☐ No

Comments

**073-2. If yes, which courses of action are taken?**

☒ Identifying to the causes of improved or deteriorated performance

☒ Reallocating resources (human/financial resources based on performance (treatment))

☒ Reengineering of internal procedures to increase efficiency (treatment)

☐ Other (please specify): .....

Comments

**073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?**

☐ Yes

☒ No

Comments

**073-4. If yes, please specify the frequency:**

☐ Annual

☐ Less frequent

☐ More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?**

☐ Yes

☒ No

Comments

**073-6. If yes, which courses of action are taken?**

☐ Identifying to the causes of improved or deteriorated performance

☐ Reallocating resources (human/financial resources based on performance (treatment))

☐ Reengineering of internal procedures to increase efficiency (treatment)

☐ Other (please specify): .....

Comments



## 079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

- ☒ High Judicial Council
- ☐ Ministry of Justice
- ☐ Inspection authority
- ☒ Supreme Court
- ☐ External audit body
- ☒ Other (please specify): Court presidents, local judicial councils and the National Office for the Judiciary

Comments Presidents of the regional courts evaluate the performance of the regional court, the district courts and administrative and labour court that fall within their territorial jurisdiction.

The judicial council of the court (judges elected by their peers) forms an opinion about the financial management of the court every year. The National Judicial Council evaluates the management of the courts and forms an opinion about their financial report. The Kúria (Supreme Court) evaluates the judicial activities of the courts through its jurisprudence analysing working groups. The National Office for the Judiciary supervises the managing work of court presidents.

## 079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

- ☐ Public prosecutorial Council
- ☐ Ministry of Justice
- ☒ Head of the organisational unit or hierarchical superior public prosecutor
- ☐ Prosecutor General /State public prosecutor
- ☐ External audit body
- ☐ Other (please specify): .....

Comments

## 3.6.3. Measuring courts' / public prosecution services activity

### 070. Do you regularly monitor court activities (performance and quality) concerning:

- ☒ number of incoming cases
- ☒ length of proceedings (timeframes)
- ☒ number of resolved cases
- ☒ number of pending cases
- ☒ backlogs
- ☒ productivity of judges and court staff
- ☐ satisfaction of court staff
- ☒ satisfaction of users (regarding the services delivered by the courts)
- ☐ costs of the judicial procedures
- ☒ number of appeals
- ☒ appeal ratio
- ☒ clearance rate
- ☒ disposition time

[ X ] other (please specify): .....

Comments Other:

- statistics on the reasons of the postpone of the trials,
- number of trial days in cases, - number of tried cases per day,
- the subject of incoming / finished / pending cases,
- the ratio of litigious and non-litigious cases,
- cases that are pending over 2 or 5 years have a separated statistical report every month
- cases in which there were no actions taken in the last 30 days by the court have a separated statistical report every month

**070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:**

- [ X ] number of incoming cases
- [ X ] length of proceedings (timeframes)
- [ X ] number of resolved cases
- [ X ] number of pending cases
- [ X ] backlogs
- [ X ] productivity of prosecutors and prosecution staff
- [ ] satisfaction of prosecution staff
- [ X ] satisfaction of users (regarding the services delivered by the by the public prosecution)
- [ ] costs of the judicial procedures
- [ X ] clearance rate
- [ X ] disposition time
- [ X ] percentage of convictions and acquittals
- [ ] other (please specify): .....

Comments

**071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:**

- [ X ] civil law cases
- [ X ] criminal law cases
- [ X ] administrative law cases

Comments Judges have to report those cases on a monthly basis that are pending for more than 2 years. The president of the court can order a fast-track procedure for a case based on the report.

**072. Do you monitor waiting time during judicial proceedings?**

|   | Yes (If yes, please specify) | No  |
|---|------------------------------|-----|
| <b>within the courts</b>                      | ( X )                        | ( ) |
| <b>within the public prosecution services</b> | ( X )                        | ( ) |

Comments The administrative office of the court reports those cases to the president in which there was no judicial activity in the last 30

days.

### **3.6.4.Information regarding courts /public prosecution services activity**



#### **080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?**

( X ) Yes (please indicate the name and the address of this institution):Országos Bírószági Hivatal (National Office for the Judiciary), H-1055, Hungary, Budapest, Szalay utca 16.

( ) No

Comments

#### **080-1. Does this institution publish statistics on the functioning of each court:**

( X ) Yes, on internet

( ) No, only internally (in an intranet website)

( ) No

Comments

#### **080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?**

( X ) Yes (please indicate the name and the address of this institution):IT Department of the Office of the Prosecutor General (1055 Budapest, Markó u. 16.)

( ) No

Comments

#### **080-3. Does this institution publish statistics on the functioning of each public prosecution service?**

( X ) Yes, on internet

( ) No, only internally (in an intranet website)

( ) No

Comments

#### **081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

( X ) Yes

( ) No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

#### **081-1. If yes, please specify in which form this report is released:**

[ X ] Internet

[ X ] Intranet (internal) website

[ ] Paper distribution

**081-2. If yes, please, indicate the periodicity at which the report is released:**

- ☒ Annual  
☐ Less frequent  
☐ More frequent

Comments

**081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?**

- ☒ Yes  
☐ No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): Tasks and activities of the Prosecution Service of Hungary: report to Parliament)

<http://eng.ugyeszseg.hu/public-information/annual-parliamentary-reports/>

<http://eng.ugyeszseg.hu/public-information/statistical-data-and-information/>

**081-4. If yes, please specify in which form this report is released:**

- ☒ Internet  
☒ Intranet (internal) website  
☒ Paper distribution

Comments

**081-5. If yes, please, indicate the periodicity at which the report is released:**

- ☒ Annual  
☐ Less frequent  
☐ More frequent

Comments

### **3.6.5 Courts administration**

**082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

- ☒ Yes  
☐ No

Comments - If yes, please specify:

**082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number**

**and planning of hearings, on-call service for urgent cases)?**

☒ Yes

☐ No

Comments - If yes, please specify:

### **3.6.6 Performance and evaluation of judges and public prosecutors**

**083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?**

☒ Yes

☐ No

Comments

**083-1. Who is responsible for setting the individual targets for each judge?**

☐ Executive power (for example the Ministry of Justice)

☐ Legislative power

☒ Judicial power (for example the High Judicial Council, Supreme Court)

☒ President of the court

☐ Other (please specify): .....

Comments

**114. Is there a system of qualitative individual assessment of the judges' work?**

☒ Yes

☐ No

Comments

**114-1. If yes, please specify the frequency of this assessment:**

☐ Annual

☒ Less frequent

☐ More frequent

**083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?**

☒ Yes

☐ No

Comments

**083-3. Who is responsible for setting the individual targets for each public prosecutor**

☐ Executive power (for example the Ministry of Justice)

☐ Prosecutor General /State public prosecutor

☐ Public prosecutorial Council

☒ [ X ] Head of the organisational unit or hierarchical superior public prosecutor

☐ [ ] Other (please specify): .....

Comments

## 120. Is there a system of qualitative individual assessment of the public prosecutors' work?

☒ ( X ) Yes

☐ ( ) No

Comments

### 120-1. If yes, please specify the frequency of this assessment:

☐ ( ) Annual

☒ ( X ) Less frequent

☐ ( ) More frequent

Comments The evaluation system is defined by Articles 50-52 of the Act on the Legal Status of Prosecutors. The purpose is to assess the quality of the prosecutor's activities, his/her skills, abilities and character traits with an impact thereon and to facilitate professional development. Prosecutors, with the exception of the Prosecutor General and the Deputy Prosecutor General, are assessed before the expiry of the fixed term of the first appointment, while in the case of a first appointment for an indefinite term, before the expiry of a period of 3 years following the appointment, and thereafter every 8 years. Prosecutors need not be assessed during the 6 years preceding the completion of the applicable old-age pension age. A prosecutor shall also be assessed if: requested by the prosecutor; circumstances have emerged that indicate the prosecutor's professional ineligibility or the necessity to alter the evaluation of the previous assessment; in the extraordinary proceeding to be completed without delay, s/he fails to meet the deadline extended by the superior prosecutor. The assessment is the duty of the person exercising the employer's rights. The official work of prosecutors assigned to the Ministry is evaluated by the Minister responsible for justice in accordance with the rules applicable to government officials. As a result, prosecutors may be awarded the following grades: excellent, suitable for promotion; excellent and fully eligible; eligible; eligible, subsequent assessment required; ineligible. In the event of an ineligible grade, the prosecutor shall be called upon to resign his/her office within thirty days. If the prosecutor is awarded a grade "eligible, subsequent assessment required", the person exercising the employer's rights identifies the deficiencies and irregularities and states the main criteria of the desired changes which shall be reviewed prior to the next assessment (within 2 years). A prosecutor shall be awarded an ineligible grade upon the next assessment if he/she fails to obtain an eligible grade. S/he may request a court of law to quash any erroneous or untrue finding.

## C4. Please indicate the sources for answering the questions in this chapter:

Sources: Prosecutors: Act CXLIV of 2011 on status of prosecutors

Judges: National Office for the Judiciary

## 4.Fair trial

### 4.1.Principles

#### 4.1.1.Principles of fair trial

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

[ ]

[ ] NA

[ X ] NAP

Comments - Please add methodology for calculation used. No such procedure exists.

**085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?**

( X ) Yes

( ) No

Comments - Please could you briefly specify:

**085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):**

[ ]

[ X ] NA

Comments

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

[ ] For civil procedures (non-enforcement)

[ ] For civil procedures (timeframe)

[ ] For criminal procedures (timeframe)

[ ] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): On an annual basis, the Hungarian Minister of Justice is responsible for the submission of a report to the Parliament about the activity of representative of the Hungarian Government before the Court (the Agent) according to the decree of the Parliament (No. 23/2007. (III.20.)). The Minister's report has been discussed by the committee of the Parliament responsible for human rights, constitutional and legal issues. In addition, the Ministry of Justice informs the National Judicial Council, consisting of high-level judges, about the violations related to Article 6 of the European Convention on Human Rights.

**086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?**

( X ) Yes

( ) No

[ ] NAP

Comments Art. 649 (4) (5) of the Act XC of 2017 on Criminal Procedure makes it possible to review a case after a decision on violation of human rights by the European Court of Human Rights in criminal cases.

**D1. Please indicate the sources for answering questions in this chapter.**

Sources: Q 86 and 86-1: Ministry of Justice

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## 4.2. Timeframe of proceedings

### 4.2.1. General information

#### 087. Are there specific procedures for urgent matters regarding:

- ☒ civil cases
- ☒ criminal cases
- ☒ administrative cases
- ☐ There is no specific procedure for urgent matters

Comments - If yes, please specify:

#### 088. Are there simplified procedures for:

- ☒ civil cases (small disputes)
- ☒ criminal cases (misdemeanour cases)
- ☒ administrative cases
- ☐ There is no simplified procedure

Comments - If yes, please specify:

#### 088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

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

Comments - If yes, please specify: In criminal cases

In arraignment cases the court decides out of trial with a written order.

If the judgment becomes final on the first instance (because neither the prosecutor, nor the accused person, nor the attorney appeals against it), the judge is allowed to deliver the written reasoning in a shorter form.

In civil cases If the defendant is not present at the first hearing and he/she did not submit a written defence the court decides in favor of the petitioner according to the claim.

The procedural law for administrative court procedures (Act 1/2017 that came into force on the 1st of January 2018) allows the court to deliver a simplified decision if the facts of the case are undisputed by both parties.

#### 089. 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

Comments - If yes, please specify:

### 4.2.2. Case flow management – first instance

#### 091. First instance courts: number of other than criminal law cases.



|  | Pending cases on 1 Jan. ref. year | Incoming cases               | Resolved cases               | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the first instance court |
|--|-----------------------------------|------------------------------|------------------------------|------------------------------------|--|
| <b>Total of other than criminal law cases (1+2+3+4)</b>  | 174 020<br>[ ] NA<br>[ ] NAP      | 719 282<br>[ ] NA<br>[ ] NAP | 762 142<br>[ ] NA<br>[ ] NAP | 131 158<br>[ ] NA<br>[ ] NAP       | [ X ] NA<br>[ ] NAP  |
| <b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>  | 85 430<br>[ ] NA<br>[ ] NAP       | 132 557<br>[ ] NA<br>[ ] NAP | 154 139<br>[ ] NA<br>[ ] NAP | 63 848<br>[ ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP  |
| <b>2. Non litigious cases (2.1+2.2+2.3)</b>  | 58 332<br>[ ] NA<br>[ ] NAP       | 550 507<br>[ ] NA<br>[ ] NAP | 565 484<br>[ ] NA<br>[ ] NAP | 43 355<br>[ ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP  |
| <b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b> | 20 389<br>[ ] NA<br>[ ] NAP       | 203 997<br>[ ] NA<br>[ ] NAP | 206 500<br>[ ] NA<br>[ ] NAP | 17 886<br>[ ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP  |
| <b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>   | 37 436<br>[ ] NA<br>[ ] NAP       | 344 358<br>[ ] NA<br>[ ] NAP | 356 586<br>[ ] NA<br>[ ] NAP | 25 208<br>[ ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP  |
| <b>2.2.1. Non litigious land registry cases</b>  | [ ] NA<br>[ X ] NAP               | [ ] NA<br>[ X ] NAP          | [ ] NA<br>[ X ] NAP          | [ ] NA<br>[ X ] NAP                | [ X ] NA<br>[ ] NAP  |
| <b>2.2.2 Non-litigious business registry cases</b>   | 35 986<br>[ ] NA<br>[ ] NAP       | 339 852<br>[ ] NA<br>[ ] NAP | 352 232<br>[ ] NA<br>[ ] NAP | 23 606<br>[ ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP  |
| <b>2.2.3. Other registry cases</b>   | 1 450<br>[ ] NA<br>[ ] NAP        | 4 506<br>[ ] NA<br>[ ] NAP   | 4 354<br>[ ] NA<br>[ ] NAP   | 1 602<br>[ ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP  |
| <b>2.3. Other non-litigious cases</b>  | 507<br>[ ] NA<br>[ ] NAP          | 2 152<br>[ ] NA<br>[ ] NAP   | 2 398<br>[ ] NA<br>[ ] NAP   | 261<br>[ ] NA<br>[ ] NAP           | [ X ] NA<br>[ ] NAP  |
| <b>3. Administrative law cases</b>   | 5 467<br>[ ] NA<br>[ ] NAP        | 17 120<br>[ ] NA<br>[ ] NAP  | 17 407<br>[ ] NA<br>[ ] NAP  | 5 180<br>[ ] NA<br>[ ] NAP         | [ X ] NA<br>[ ] NAP  |
| <b>4. Other cases</b>  | 24 791<br>[ ] NA<br>[ ] NAP       | 19 098<br>[ ] NA<br>[ ] NAP  | 25 112<br>[ ] NA<br>[ ] NAP  | 18 775<br>[ ] NA<br>[ ] NAP        | [ X ] NA<br>[ ] NAP  |

Comments One of the reasons of the decreasing number of incoming cases is the new civil procedural code coming into force on the 1st of January 2018. This resulted that many of those parties (especially those who were represented by lawyer) who had the chance to do so, filed their petition before the end of 2017 under the scope of the old and well-known procedural code. Regarding the discrepancy between

2017 and 2018 in the number of registry cases, it is due to the fact that for the first time in 2018, the number of non-litigious business registry cases is available.

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. 2.3. “other non-litigious cases” include court mediation and non-litigious labour cases.

Civil and commercial non-litigious cases include all of those cases that are not concluded through the rules of the civil procedure, but through a more or less simplified procedure:

- exclusion of a judge,
- preliminary verification,
- issuance of a restraining order and review of that,
- declaring sy legally dead,
- revision of the medical care of mentally disordered patients,
- deposit at the court
- hearing sy on the request of another court
- etc.

**093. Please indicate the case categories included in the category "other cases":**

. 4. Category "other cases" include: insolvency cases, labour cases

**094. First instance courts: number of criminal law cases.**

|  | Pending cases<br>on 1 Jan. ref.<br>year | Incoming cases               | Resolved cases               | Pending cases<br>on 31 Dec. ref.<br>year | Pending cases<br>older than 2<br>years from the<br>date the case<br>came to the first<br>instance court |
|--|---|------------------------------|------------------------------|--|---|
| <b>Total of criminal law cases<br/>(1+2+3)</b>           | 61 039<br>[ ] NA<br>[ ] NAP             | 352 921<br>[ ] NA<br>[ ] NAP | 356 612<br>[ ] NA<br>[ ] NAP | 57 348<br>[ ] NA<br>[ ] NAP              | 1 984<br>[ ] NA<br>[ ] NAP  |
| <b>1. Severe criminal cases</b>                          | 33 891<br>[ ] NA<br>[ ] NAP             | 115 730<br>[ ] NA<br>[ ] NAP | 123 770<br>[ ] NA<br>[ ] NAP | 25 851<br>[ ] NA<br>[ ] NAP              | 1 983<br>[ ] NA<br>[ ] NAP  |
| <b>2. Misdemeanour and / or minor<br/>criminal cases</b> | 27 148<br>[ ] NA<br>[ ] NAP             | 237 191<br>[ ] NA<br>[ ] NAP | 232 842<br>[ ] NA<br>[ ] NAP | 31 497<br>[ ] NA<br>[ ] NAP              | 1<br>[ ] NA<br>[ ] NAP  |
| <b>3. Other cases</b>                                    | [ ] NA<br>[ X ] NAP                     | [ ] NA<br>[ X ] NAP          | [ ] NA<br>[ X ] NAP          | [ ] NA<br>[ X ] NAP                      | [ ] NA<br>[ X ] NAP   |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If “Other cases” please specify: Criminal offences are severe or minor crimes. Severe crimes are committed intentionally and

are punishable with at least two years of imprisonment. All other criminal offences are minor crimes.  
Misdemeanours are not considered as criminal offences, but are unlawful acts that are endangering the society.



### 4.2.3. Case flow management – second instance

#### 097. Second instance courts (appeal): Number of “other than criminal law” cases.

|  | Pending cases<br>on 1 Jan. ref.<br>year | Incoming cases              | Resolved cases              | Pending cases<br>on 31 Dec. ref.<br>year | Pending cases<br>older than 2<br>years from the<br>date the case<br>came to the<br>second instance<br>court |
|--|---|-----------------------------|-----------------------------|--|---|
| <b>Total of other than criminal law cases (1+2+3+4)</b>  | 12 508<br>[ ] NA<br>[ ] NAP             | 47 084<br>[ ] NA<br>[ ] NAP | 48 854<br>[ ] NA<br>[ ] NAP | 10 738<br>[ ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP   |
| <b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>  | 5 721<br>[ ] NA<br>[ ] NAP              | 15 009<br>[ ] NA<br>[ ] NAP | 15 847<br>[ ] NA<br>[ ] NAP | 4 883<br>[ ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] NAP   |
| <b>2. Non litigious cases (2.1+2.2+2.3)</b>  | 4 337<br>[ ] NA<br>[ ] NAP              | 26 048<br>[ ] NA<br>[ ] NAP | 25 940<br>[ ] NA<br>[ ] NAP | 4 445<br>[ ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] NAP   |
| <b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b> | 4 057<br>[ ] NA<br>[ ] NAP              | 24 698<br>[ ] NA<br>[ ] NAP | 24 558<br>[ ] NA<br>[ ] NAP | 4 197<br>[ ] NA<br>[ ] NAP               | [ X ] NA<br>[ ] NAP   |
| <b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>   | 216<br>[ ] NA<br>[ ] NAP                | 921<br>[ ] NA<br>[ ] NAP    | 947<br>[ ] NA<br>[ ] NAP    | 190<br>[ ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP   |
| <b>2.2.1. Non litigious land registry cases</b>  | [ ] NA<br>[ X ] NAP                     | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP                      | [ ] NA<br>[ X ] NAP   |
| <b>2.2.2 Non-litigious business registry cases</b>   | 197<br>[ ] NA<br>[ ] NAP                | 802<br>[ ] NA<br>[ ] NAP    | 825<br>[ ] NA<br>[ ] NAP    | 174<br>[ ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP   |
| <b>2.2.3. Other registry cases</b>   | 19<br>[ ] NA<br>[ ] NAP                 | 119<br>[ ] NA<br>[ ] NAP    | 122<br>[ ] NA<br>[ ] NAP    | 16<br>[ ] NA<br>[ ] NAP                  | [ X ] NA<br>[ ] NAP   |
| <b>2.3. Other non-litigious cases</b>  | 64<br>[ ] NA<br>[ ] NAP                 | 429<br>[ ] NA<br>[ ] NAP    | 435<br>[ ] NA<br>[ ] NAP    | 58<br>[ ] NA<br>[ ] NAP                  | [ X ] NA<br>[ ] NAP   |
| <b>3. Administrative law cases</b>   | 497<br>[ ] NA<br>[ ] NAP                | 2 302<br>[ ] NA<br>[ ] NAP  | 2 238<br>[ ] NA<br>[ ] NAP  | 561<br>[ ] NA<br>[ ] NAP                 | [ X ] NA<br>[ ] NAP   |

|                       |                            |                            |                            |                          |                     |
|-----------------------|----------------------------|----------------------------|----------------------------|--------------------------|---------------------|
| <b>4. Other cases</b> | 1 953<br>[ ] NA<br>[ ] NAP | 3 725<br>[ ] NA<br>[ ] NAP | 4 829<br>[ ] NA<br>[ ] NAP | 849<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP |
|-----------------------|----------------------------|----------------------------|----------------------------|--------------------------|---------------------|

Comments - If “Other cases” please specify

## 098. Second instance courts (appeal): Number of criminal law cases.

|  | Pending cases on 1 Jan. ref. year | Incoming cases              | Resolved cases              | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the second instance court |
|--|-----------------------------------|-----------------------------|-----------------------------|------------------------------------|---|
| <b>Total of criminal law cases (1+2+3)</b>           | 6 603<br>[ ] NA<br>[ ] NAP        | 36 815<br>[ ] NA<br>[ ] NAP | 36 871<br>[ ] NA<br>[ ] NAP | 6 547<br>[ ] NA<br>[ ] NAP         | 5<br>[ ] NA<br>[ ] NAP  |
| <b>1. Severe criminal cases</b>                      | 6 574<br>[ ] NA<br>[ ] NAP        | 36 271<br>[ ] NA<br>[ ] NAP | 36 327<br>[ ] NA<br>[ ] NAP | 6 518<br>[ ] NA<br>[ ] NAP         | 5<br>[ ] NA<br>[ ] NAP  |
| <b>2. Misdemeanour and / or minor criminal cases</b> | 29<br>[ ] NA<br>[ ] NAP           | 544<br>[ ] NA<br>[ ] NAP    | 544<br>[ ] NA<br>[ ] NAP    | 29<br>[ ] NA<br>[ ] NAP            | 0<br>[ ] NA<br>[ ] NAP  |
| <b>3. Other cases</b>                                | [ ] NA<br>[ X ] NAP               | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP         | [ ] NA<br>[ X ] NAP                | [ ] NA<br>[ X ] NAP   |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If “Other cases”, please specify.

## 4.2.4. Case flow management – Supreme Court



## 099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:

|   | Pending cases on 1 Jan. ref. year | Incoming cases             | Resolved cases             | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|---|-----------------------------------|----------------------------|----------------------------|------------------------------------|---|
| <b>Total of other than criminal law cases (1+2+3+4)</b>   | 3 663<br>[ ] NA<br>[ ] NAP        | 5 928<br>[ ] NA<br>[ ] NAP | 6 143<br>[ ] NA<br>[ ] NAP | 3 448<br>[ ] NA<br>[ ] NAP         | 0<br>[ ] NA<br>[ ] NAP  |
| <b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b> | 1 993<br>[ ] NA<br>[ ] NAP        | 2 531<br>[ ] NA<br>[ ] NAP | 2 780<br>[ ] NA<br>[ ] NAP | 1 744<br>[ ] NA<br>[ ] NAP         | 0<br>[ ] NA<br>[ ] NAP  |
| <b>2. Non litigious cases (2.1+2.2+2.3)</b>   | 120<br>[ ] NA<br>[ ] NAP          | 608<br>[ ] NA<br>[ ] NAP   | 589<br>[ ] NA<br>[ ] NAP   | 139<br>[ ] NA<br>[ ] NAP           | 0<br>[ ] NA<br>[ ] NAP  |

|  |                            |                            |                            |                            |                        |
|--|----------------------------|----------------------------|----------------------------|----------------------------|------------------------|
| <b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b> | 104<br>[ ] NA<br>[ ] NAP   | 548<br>[ ] NA<br>[ ] NAP   | 548<br>[ ] NA<br>[ ] NAP   | 104<br>[ ] NA<br>[ ] NAP   | 0<br>[ ] NA<br>[ ] NAP |
| <b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>   | 8<br>[ ] NA<br>[ ] NAP     | 35<br>[ ] NA<br>[ ] NAP    | 11<br>[ ] NA<br>[ ] NAP    | 32<br>[ ] NA<br>[ ] NAP    | 0<br>[ ] NA<br>[ ] NAP |
| <b>2.2.1. Non litigious land registry cases</b>  | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP          | [ ] NA<br>[X] NAP      |
| <b>2.2.2 Non-litigious business registry cases</b>   | 8<br>[ ] NA<br>[ ] NAP     | 33<br>[ ] NA<br>[ ] NAP    | 11<br>[ ] NA<br>[ ] NAP    | 30<br>[ ] NA<br>[ ] NAP    | 0<br>[ ] NA<br>[ ] NAP |
| <b>2.2.3. Other registry cases</b>   | 0<br>[ ] NA<br>[ ] NAP     | 2<br>[ ] NA<br>[ ] NAP     | 0<br>[ ] NA<br>[ ] NAP     | 2<br>[ ] NA<br>[ ] NAP     | 0<br>[ ] NA<br>[ ] NAP |
| <b>2.3. Other non-litigious cases</b>  | 8<br>[ ] NA<br>[ ] NAP     | 25<br>[ ] NA<br>[ ] NAP    | 30<br>[ ] NA<br>[ ] NAP    | 3<br>[ ] NA<br>[ ] NAP     | 0<br>[ ] NA<br>[ ] NAP |
| <b>3. Administrative law cases</b>   | 1 000<br>[ ] NA<br>[ ] NAP | 2 167<br>[ ] NA<br>[ ] NAP | 1 949<br>[ ] NA<br>[ ] NAP | 1 218<br>[ ] NA<br>[ ] NAP | 0<br>[ ] NA<br>[ ] NAP |
| <b>4. Other cases</b>  | 550<br>[ ] NA<br>[ ] NAP   | 622<br>[ ] NA<br>[ ] NAP   | 825<br>[ ] NA<br>[ ] NAP   | 347<br>[ ] NA<br>[ ] NAP   | 0<br>[ ] NA<br>[ ] NAP |

Comments - If “Other cases”, please specify

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

( ) Yes

( X ) No

Comments

**099-1-1. If yes, please indicate the number of:**

cases received by the Highest court? [ ]

cases closed by this procedure? [ ]

Comments

**100. Highest instance courts (Supreme Court): Number of criminal law cases.**

|  | Pending cases on 1 Jan. ref. year | Incoming cases             | Resolved cases             | Pending cases on 31 Dec. ref. year | Pending cases older than 2 years from the date the case came to the Supreme Court |
|--|-----------------------------------|----------------------------|----------------------------|------------------------------------|---|
| <b>Total of criminal law cases (1+2+3)</b>           | 347<br>[ ] NA<br>[ ] NAP          | 1 658<br>[ ] NA<br>[ ] NAP | 1 719<br>[ ] NA<br>[ ] NAP | 286<br>[ ] NA<br>[ ] NAP           | 0<br>[ ] NA<br>[ ] NAP  |
| <b>1. Severe criminal cases</b>                      | 347<br>[ ] NA<br>[ ] NAP          | 1 658<br>[ ] NA<br>[ ] NAP | 1 719<br>[ ] NA<br>[ ] NAP | 286<br>[ ] NA<br>[ ] NAP           | 0<br>[ ] NA<br>[ ] NAP  |
| <b>2. Misdemeanour and / or minor criminal cases</b> | [ ] NA<br>[ X ] NAP               | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP                | [ ] NA<br>[ X ] NAP   |
| <b>3. Other cases</b>                                | [ ] NA<br>[ X ] NAP               | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP        | [ ] NA<br>[ X ] NAP                | [ ] NA<br>[ X ] NAP   |

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify

#### 4.2.5. Case flow management and timeframes – specific cases



**101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.**

|   | Pending cases on 1 Jan. ref. year | Incoming cases              | Resolved cases              | Pending cases on 31 Dec ref. year |
|---|-----------------------------------|-----------------------------|-----------------------------|-----------------------------------|
| <b>Litigious divorce cases</b>  | 13 123<br>[ ] NA<br>[ ] NAP       | 24 452<br>[ ] NA<br>[ ] NAP | 26 150<br>[ ] NA<br>[ ] NAP | 11 425<br>[ ] NA<br>[ ] NAP       |
| <b>Employment dismissal cases</b>   | 1 306<br>[ ] NA<br>[ ] NAP        | 1 552<br>[ ] NA<br>[ ] NAP  | 1 949<br>[ ] NA<br>[ ] NAP  | 909<br>[ ] NA<br>[ ] NAP          |
| <b>Insolvency</b>   | 12<br>[ ] NA<br>[ ] NAP           | 64<br>[ ] NA<br>[ ] NAP     | 63<br>[ ] NA<br>[ ] NAP     | 13<br>[ ] NA<br>[ ] NAP           |
| <b>Robbery case</b>   | 497<br>[ ] NA<br>[ ] NAP          | 557<br>[ ] NA<br>[ ] NAP    | 672<br>[ ] NA<br>[ ] NAP    | 382<br>[ ] NA<br>[ ] NAP          |
| <b>Intentional homicide</b>   | 144<br>[ ] NA<br>[ ] NAP          | 143<br>[ ] NA<br>[ ] NAP    | 194<br>[ ] NA<br>[ ] NAP    | 93<br>[ ] NA<br>[ ] NAP           |
| <b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b> | 65<br>[ ] NA<br>[ ] NAP           | 370<br>[ ] NA<br>[ ] NAP    | 386<br>[ ] NA<br>[ ] NAP    | 49<br>[ ] NA<br>[ ] NAP           |
| <b>Cases relating to the right of entry and stay for aliens</b>                           | 203<br>[ ] NA<br>[ ] NAP          | 611<br>[ ] NA<br>[ ] NAP    | 672<br>[ ] NA<br>[ ] NAP    | 142<br>[ ] NA<br>[ ] NAP          |

Comments

**101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

. Asylum seekers (refugee status under the 1951 Geneva Convention) – general judicial remedy against rejection resolution: the refugee authority (Bevándorlási és Menekültügyi Hivatal – BMH) shall grant refugee status to aliens to whom Article XIV (3) of the Fundamental Law applies. As EU member, Hungary shall grant subsidiary protection status to an alien who does not qualify as a refugee but in respect of whom substantial grounds exist for believing that the person concerned, if returning to his/her country of origin would face a real risk of suffering serious harm, and is unable, or, owing to such risk, unwilling to avail him/herself of the protection of that country.

The authority's rejection resolution can be appealed through legal remedy in form of judicial supervision (article XXVIII (7) of the Fundamental Law and Section 68 of Act LXXX of 2007 on Asylum (Met.)). The court shall provide a full and ex nunc examination of both the facts and the law and shall hear asylum seekers. The assessment of an application for recognition during the authority's examination shall be based on the individual position and personal circumstances of the applicant concerned. In court procedure the same requirement shall be secured. If the court finds any administrative decision unlawful, the latter shall be abolished - with the exception of any violation of a procedural rule that does not affect the merits of the case. If it is necessary, the court shall order the refugee authority to reopen the case. The petition for judicial review shall be decided by the court - within sixty days following receipt of the petition - in contentious proceedings. If the applicant is subjected to any restriction of personal liberty, the case is heard on a priority basis.

Asylum seekers – judicial remedies against other BMH decisions (not on the merits of the case): the preliminary examination procedure conducted by the BMH shall involve an inquiry on whether the conditions for the application of the Dublin Regulations are fulfilled, whether the application is inadmissible or whether the accelerated procedure should be used. The order on the transfer of an applicant may be subject to judicial review. Also, the decision on refusing the application on the grounds of inadmissibility may be subject to judicial review, if it was adopted in the accelerated procedure. The court may not overturn the decision of the refugee authority, but it may abolish any administrative decision it finds unlawful. In 2016 the Met. had special provisions for border procedures, airport procedures, for withdrawal of refugee status and subsidiary protection status, and for conditions for subsidiary protection and review of compliance with such conditions. Although the judicial remedies were the same as the above mentioned, the deadlines were shorter in some cases.

The right of entry and stay for aliens: the right of free movement and residence afforded in the Treaty establishing the European Community, and to ascertain equal treatment for the family members of Hungarian citizens who do not have Hungarian citizenship, are regulated in Act I of 2007 on the Admission and Residence of Persons with the Right of Free Movement and Residence (Szmtv.). The right of entry and stay of third country nationals (from countries within and outside the borders of the European Union) is regulated in Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals. Both statute based on harmonized community law, relevant regulations are implied by these two acts and lower level legislation.

Nearly all types of authority decisions are reviewable by court: all resolutions, and most of the decisions. The main difference between judicial procedures against such resolutions and the asylum cases is that the court review shall not provide for a full and ex nunc examination of both facts and points of law. The court doesn't act ex officio (except for very limited cases, e.g. when the circumstances cause invalidity), just on motions and reviews the authority's resolution in the frame set up by the petition. It is general that the court may not overturn the decision of the authority, but only abolish unlawful administrative decisions (with the exception of any violation of a procedural rule that does not affect the merits of the case). If it is necessary, the court shall order the authority to reopen the case. Most of the decisions not on the merit of the case are also appealable (the deadlines are usually limited).

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). 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 | 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) | % of cases pending for more than 3 years for all instances |
|---|----------------------------------|--|--|--|---|--|
| <b>Civil and commercial litigious cases</b> | [ X ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                                   | [ X ] NA<br>[ ] NAP  |
| <b>Litigious divorce case</b>               | [ X ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                                   | [ X ] NA<br>[ ] NAP  |
| <b>Employment dismissal case</b>            | [ X ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                                   | [ X ] NA<br>[ ] NAP  |
| <b>Insolvency</b>                           | [ X ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                                   | [ X ] NA<br>[ ] NAP  |
| <b>Robbery case</b>                         | [ X ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                                   | [ X ] NA<br>[ ] NAP  |
| <b>Intentional homicide</b>                 | [ X ] NA<br>[ ] NAP              | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                      | [ X ] NA<br>[ ] NAP                                   | [ X ] NA<br>[ ] NAP  |

Comments Currently, the judiciary database contains some invalid data for this type of information. Accordingly, before solving this problem, no valid data may be given.

### 103. Where appropriate, please indicate the specific procedure regarding 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 CXXX of 2016 on the Code of Civil Procedure.

Matrimonial proceedings shall cover actions for dissolution of a marriage or the annulment of a marriage, as well as actions for establishing the validity or the existence or non-existence of marriage. Special provisions for the divorce cases:

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 help the parties to reconcile their dispute. If during the first hearing in a divorce case the parties fail to settle their differences, the court shall postpone the hearing, the court shall set the date of the next hearing.

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.

### 104. How is the length of proceedings calculated for the six case categories of question 102?



## Please give a description of the calculation method.

. The length of the proceeding is calculated similarly for every type of cases. The starting day is the day when the case (the document that starts the cases) arrives at the court. If the decision is repealed and the case continues the starting day will be still the original arrival of the case.

### 4.2.6. Case flow management – public prosecution



#### 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 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 (please specify):see in comment

Comments Other competencies listed among „most important” ones are:

- supervision of imprisonment, detentions, protective education,
- the prosecutor is authorized to demand every civil proceeding and may take part in any ongoing civil litigation as independent party side by side with the interested party. The prosecutor does not have the right (generally or in special cases) to manage an agreement.

#### 106. Does the public prosecutor also have a role in:

- ☒ [ X ] civil cases
- ☒ [ X ] administrative cases
- ☒ [ X ] insolvency cases

Comments - If yes, please specify:

#### 107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

|  | Received during the reference year | Discontinued during the reference year (see Q108 below) | Concluded by a penalty or a measure imposed or negotiated by the public prosecutor | Cases brought to court           |
|--|------------------------------------|---|--|----------------------------------|
| <b>Total number of first instance cases processed by the public prosecutor</b> | 188 833                            | 22 205  | 9 992  | 156 636                          |
|  | <input type="checkbox"/> [ ] NA    | <input type="checkbox"/> [ ] NA                         | <input type="checkbox"/> [ ] NA  | <input type="checkbox"/> [ ] NA  |
|  | <input type="checkbox"/> [ ] NAP   | <input type="checkbox"/> [ ] NAP                        | <input type="checkbox"/> [ ] NAP   | <input type="checkbox"/> [ ] NAP |

**107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?**

|                              | Number of guilty plea procedures |
|------------------------------|----------------------------------|
| <b>Total</b>                 | 5 676<br>[ ] NA<br>[ ] NAP       |
| <b>Before the court case</b> | 2 461<br>[ ] NA<br>[ ] NAP       |
| <b>During the court case</b> | 3 215<br>[ ] NA<br>[ ] NAP       |

Comments This procedure exists only from 1 July 2018, following the entry into force of the Act XC of 2017 on the new criminal procedure law.

**108. Total number of cases which were discontinued by the public prosecutor.**

|   | Number of cases             |
|---|-----------------------------|
| <b>Total number of cases which were discontinued by the public prosecutor (1+2+3+4)</b>                                 | 22 205<br>[ ] NA<br>[ ] NAP |
| <b>1. Discontinued by the public prosecutor because the offender could not be identified</b>                            | 138<br>[ ] NA<br>[ ] NAP    |
| <b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b> | 15 556<br>[ ] NA<br>[ ] NAP |
| <b>3. Discontinued by the public prosecutor for reasons of opportunity</b>  | 6 511<br>[ ] NA<br>[ ] NAP  |
| <b>4. Other</b>   | 0<br>[ ] NA<br>[ ] NAP      |

Comments

**109. Do the figures include traffic offence cases?**

( X ) Yes

( ) No

Comments

**D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.**

Sources: Q91, 94, 97, 98, 99, 100, 101, 102: National Office for the Judiciary  
Q 107, 107-1, 108: Statistic Department of the Prosecutor General's Office

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## 5. Career of judges and public prosecutors

### 5.1. Recruitment and promotion

#### 5.1.1. Recruitment and promotion of judges

##### 110. How are judges recruited?

- ☐ mainly through a competitive exam (open competition)
- ☐ mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- ☐ a combination of both (competitive exam and working experience)
- ☒ other (please specify): .....

Comments

##### 111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- ☒ an authority made up of judges only
- ☐ an authority made up of non-judges only
- ☐ an authority made up of judges and non-judges

Comments - 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:

##### 112. Is the same authority (Q111) competent for the promotion of judges?

- ☒ Yes
- ☐ No

Comments

##### 113. What is the procedure for the promotion of judges? (multiple answers possible)

- ☐ Competitive test / Exam
- ☒ Other procedure (interview or other)
- ☐ No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

##### 113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- ☒ Years of experience
- ☒ Professional skills (and/or qualitative performance)
- ☐ Performance (quantitative)
- ☒ Assessment results
- ☐ Subjective criteria (e.g. integrity, reputation)
- ☒ Other
- ☐ No criteria

## **5.1.2. Status, recruitment and promotion of prosecutors**

### **115. What is the status of public prosecution services?**

- ☒ [ X ] statutory independent
- ☐ [ ] under the authority of the Minister of Justice or another central authority
- ☐ [ ] other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

### **115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?**

- ☒ ( X ) Yes
- ☐ ( ) No

Comments - If yes, please specify:

### **116. How are public prosecutors recruited?**

- ☐ [ ] mainly through a competitive exam (open competition)
- ☐ [ ] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- ☒ [ X ] a combination of both (competitive exam and working experience)
- ☐ [ ] other (please specify): .....

Comments

### **117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:**

- ☒ [ 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

Comments - 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:

### **118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?**

- ☒ ( X ) Yes
- ☐ ( ) No, please specify which authority is competent for promoting public prosecutors .....

Comments

### **119. What is the procedure for the promotion of prosecutors? (multiple answers possible)**

- ☐ [ ] Competitive test / exam
- ☒ [ X ] Other procedure (interview or other)
- ☐ [ ] No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

## 119-2. Please indicate the criteria used for the promotion of a prosecutor:

- ☒ Years of experience
- ☒ Professional skills (and/or qualitative performance)
- ☐ Performance (quantitative)
- ☐ Assessment results
- ☐ Subjective criteria (e.g. integrity, reputation)
- ☐ Other
- ☐ No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

## 5.1.3. Mandate and retirement of judges and prosecutors

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

- ☒ Yes, please indicate the compulsory retirement age: 65-70
- ☐ No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

### 121-1. Can a judge be transferred to another court without his/her consent:

- ☐ For disciplinary reasons
- ☐ For organisational reasons
- ☒ For other reasons (please specify modalities and safeguards): .....
- ☐ No

Comments

### 122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

- ☒ Yes, duration of the probation period (in years): 3
- ☐ No

Comments

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

- ☒ Yes, please indicate the compulsory retirement age: 65-70
- ☐ No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

### 124. Is there a probation period for public prosecutors? If yes, how long is this period?

- ☒ Yes, duration of the probation period (in years): 3 years
- ☐ No

Comments

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

[            ]

[ ] NA

[ X ] NAP

Comments

**125-1. Is it renewable?**

( ) Yes

( ) No

[ X ] NAP

Comments

**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)?**

[            ]

[ ] NA

[ X ] NAP

Comments

**126-1. Is it renewable?**

( ) Yes

( ) No

[ X ] NAP

Comments

**E1. Please indicate the sources for answering the questions in this chapter:**

Sources: Judges: National Office for the Judiciary

Prosecutors: Act CLXIV of 2011 on status of prosecutors

## 5.2.Training

### 5.2.1.Training of judges

**127. Types of different trainings offered to judges:**

|            |          |                      |
|------------|----------|----------------------|
| Compulsory | Optional | No training proposed |
|------------|----------|----------------------|

|  |                     |                     |                     |
|--|---------------------|---------------------|---------------------|
| <b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>                                | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |
| <b>General in-service training</b>   | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |
| <b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b> | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |
| <b>In-service training for management functions of the court (e.g. court president)</b>                          | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |
| <b>In-service training for the use of computer facilities in courts</b>  | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |
| <b>In-service training on ethics</b>   | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No |

Comments

## 128. Frequency of the in-service training of judges:

|  | Frequency of the judges training   |
|--|--|
| <b>General in-service training</b>   | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b> | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training for management functions of the court (e.g. court president)</b>                          | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training for the use of computer facilities in courts</b>  | [ ] Regularly (for example every year)<br>[ X ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training on ethics</b>   | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |

Comments - Please indicate any information on the periodicity of the continuous training of judges:

## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors:

|                   |                 |                             |
|-------------------|-----------------|-----------------------------|
| <b>Compulsory</b> | <b>Optional</b> | <b>No training proposed</b> |
|-------------------|-----------------|-----------------------------|

|   |                     |                     |                     |
|---|---------------------|---------------------|---------------------|
| <b>Initial training</b>   | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>General in-service training</b>  | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>In-service training for specialised functions<br/>(e.g. public prosecutors specialised on<br/>organised crime)</b> | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>In-service training for management functions<br/>(e.g. Head of prosecution office, manager)</b>                    | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>In-service training for the use of computer<br/>facilities in office</b>   | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>In-service training on ethics</b>  | ( X ) Yes<br>( ) No | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |

Comments

### 130. Frequency of the in-service training of public prosecutors :

|  | <b>Frequency of the in-service training</b>  |
|--|--|
| <b>General in-service training</b>   | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)</b> | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>               | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training for the use of computer facilities in office</b>                                      | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |
| <b>In-service training on ethics</b>   | [ X ] Regularly (for example every year)<br>[ ] Occasional (as needed)<br>[ ] No training proposed |

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

### 131. Do you have public training institutions for judges and / or prosecutors?

|                                   | <b>Initial training only</b> | <b>Continuous training only</b> | <b>Initial and continuous training</b> |
|-----------------------------------|------------------------------|---------------------------------|--|
| <b>One institution for judges</b> | [ ]                          | [ ]                             | [ X ]                                  |



|  |                            |                            |   |
|--|----------------------------|----------------------------|---|
| One institution for prosecutors                        | <input type="checkbox"/> ] | <input type="checkbox"/> ] | <input checked="" type="checkbox"/> X ] |
| One single institution for both judges and prosecutors | <input type="checkbox"/> ] | <input type="checkbox"/> ] | <input type="checkbox"/> ]              |

Comments There are no one single institution for judges and prpsecutors.

### 131-0. If yes, what is the budget of such institution(s)?

|  | Budget of the institution for the reference year, in €                       |
|--|--|
| One institution for judges                             | <input checked="" type="checkbox"/> X ] NA<br><input type="checkbox"/> ] NAP |
| One institution for prosecutors                        | 168 221<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP   |
| One single institution for both judges and prosecutors | <input type="checkbox"/> ] NA<br><input checked="" type="checkbox"/> X ] NAP |

Comments

### 131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. NAP

### 131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

|  | Number of training courses in days organised, without e-learning       | Online training courses available during the reference year (e-learning) |
|--|--|--|
| Total                                  | 707<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP | 31<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP    |
| 1. Only for judges                     | 379<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP | 5<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP     |
| 2. Only for prosecutors                | 76<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP  | 0<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP     |
| 3. Only for other non-judge staff      | 78<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP  | 8<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP     |
| 4. Only for other non-prosecutor staff | 22<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP  | 0<br><input type="checkbox"/> ] NA<br><input type="checkbox"/> ] NAP     |

|                          |  |   |
|--------------------------|--|---|
| 5. Other common training | 152<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 18<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
|--------------------------|--|---|

Comments: Other common training for judges or judicial staff: 152 days and 18 online courses

## E2. Please indicate the sources for answering the questions in this chapter:

Sources: Judges: National Office for the Judiciary  
Prosecutors: Act CLXIV of 2011 on status of prosecutors

### 5.3.Practice of the profession

#### 5.3.1.Salaries and benefits of judges and prosecutors



#### 132. Salaries of judges and public prosecutors on 31 December of the reference year:

|   | Gross annual salary, in €   | Net annual salary, in €   | Gross annual salary, in local currency                                    | Net annual salary, in local currency                                     |
|---|---|---|---|--|
| First instance professional judge at the beginning of his/her career  | 22 043<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 14 658<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 7 101 320<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 4 722 378<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 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)                              | 42 104<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 27 999<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 13 564 324<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 9 020 275<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| Public prosecutor at the beginning of his/her career  | 20 263<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 13 475<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 6 527 928<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  | 4 341 106<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 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 Attorney General). | 39 828<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 26 486<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 12 830 988<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | 8 532 730<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments The reason for the increase of judicial salaries is the increase of the base salary of judges by 15% in 2017-2018.

#### 133. Do judges and public prosecutors have additional benefits?

|                  | Judges            | Public prosecutors |
|------------------|-------------------|--------------------|
| Reduced taxation | ( ) Yes<br>(X) No | ( ) Yes<br>(X) No  |
| Special pension  | ( ) Yes<br>(X) No | ( ) Yes<br>(X) No  |

|                                |                     |                     |
|--------------------------------|---------------------|---------------------|
| <b>Housing</b>                 | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>Other financial benefit</b> | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |

Comments

**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.

[ ] NAP

**135. Can judges combine their work with any of the following other functions/activities?**

|                                 | <b>With remuneration</b> | <b>Without remuneration</b> |
|---------------------------------|--------------------------|-----------------------------|
| <b>Teaching</b>                 | ( X ) Yes<br>( ) No      | ( X ) Yes<br>( ) No         |
| <b>Research and publication</b> | ( X ) Yes<br>( ) No      | ( X ) Yes<br>( ) No         |
| <b>Arbitrator</b>               | ( ) Yes<br>( X ) No      | ( ) Yes<br>( X ) No         |
| <b>Consultant</b>               | ( ) Yes<br>( X ) No      | ( ) Yes<br>( X ) No         |
| <b>Cultural function</b>        | ( X ) Yes<br>( ) No      | ( X ) Yes<br>( ) No         |
| <b>Political function</b>       | ( ) Yes<br>( X ) No      | ( ) Yes<br>( X ) No         |
| <b>Mediator</b>                 | ( X ) Yes<br>( ) No      | ( X ) Yes<br>( ) No         |
| <b>Other function</b>           | ( X ) Yes<br>( ) No      | ( X ) Yes<br>( ) No         |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

**137. Can public prosecutors combine their work with any of the following other functions/activities?**

|                 | <b>With remuneration</b> | <b>Without remuneration</b> |
|-----------------|--------------------------|-----------------------------|
| <b>Teaching</b> | ( X ) Yes<br>( ) No      | ( X ) Yes<br>( ) No         |

|                                 |                     |                     |
|---------------------------------|---------------------|---------------------|
| <b>Research and publication</b> | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Arbitrator</b>               | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>Consultant</b>               | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>Cultural function</b>        | ( X ) Yes<br>( ) No | ( X ) Yes<br>( ) No |
| <b>Political function</b>       | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>Mediator</b>                 | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |
| <b>Other function</b>           | ( ) Yes<br>( X ) No | ( ) Yes<br>( X ) No |

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify:

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

( ) Yes

( X ) No

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

### 5.3.2 Body/institution of ethics

**138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)**

( X ) Yes

( ) No

Comments

**138-1. If yes, how is this institution / body formed**

( X ) only by judges

( ) by judges and other legal professionals

( ) other, please specify: .....

Comments Judges may turn to the National Judicial Council if they have a general ethical question. As the National Judicial Council adopts the Ethical Code for judges, it may interpret its regulations on request.

**138-2. Are the opinions of this institution / body publicly available?**

( X ) Yes

( ) No

[ ] NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. The National Judicial Council publishes its resolutions on its website.

☐ NAP

**138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)**

☐ Yes

☐ No

Comments

**138-4. If yes, how is this institution / body formed**

☐ only by prosecutors

☐ by prosecutors and other legal professionals

☐ other, please specify: .....

Comments

**138-5. Are the opinions of this institution / body publicly available?**

☐ Yes

☐ No

☐ NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

☒ NAP

**5.4.Disciplinary procedures**

**5.4.1.Authorities responsible for disciplinary procedures and sanctions**

**140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

☐ Court users

☒ Relevant Court or hierarchical superior

☐ High Court / Supreme Court

☐ High Judicial Council

☐ Disciplinary court or body

☐ Ombudsman

☐ Parliament

☐ Executive power (please specify): .....

☒ Other (please specify):see comment

☐ This is not possible

Comments

**141. Who is 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 (High Judicial Council)
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power (please specify): .....
- ☐ Other (please specify): .....
- ☐ This is not possible

Comments

**142. Which authority has disciplinary power over judges? (multiple options possible)**

- ☐ Court
- ☐ Higher Court / Supreme Court
- ☐ High Judicial Council
- ☒ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament
- ☐ Executive power (please specify): .....
- ☐ Other (please specify): .....

Comments

**143. Which authority has disciplinary power over public prosecutors? (multiple options possible):**

- ☐ Supreme Court
- ☐ Head of the organisational unit or hierarchical superior
- ☒ Prosecutor General /State public prosecutor
- ☐ Public prosecutorial Council (High Judicial Council)
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power (please specify): .....
- ☐ Other (please specify): .....

Comments

**5.4.2.Number of disciplinary procedures and sanctions**

**144. Number of disciplinary proceedings initiated during the reference year against judges and**

public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

|   | Judges                  | Prosecutors            |
|---|-------------------------|------------------------|
| <b>Total number (1+2+3+4)</b>           | 21<br>[ ] NA<br>[ ] NAP | 7<br>[ ] NA<br>[ ] NAP |
| <b>1. Breach of professional ethics</b> | 6<br>[ ] NA<br>[ ] NAP  | 4<br>[ ] NA<br>[ ] NAP |
| <b>2. Professional inadequacy</b>       | 11<br>[ ] NA<br>[ ] NAP | 2<br>[ ] NA<br>[ ] NAP |
| <b>3. Criminal offence</b>              | 0<br>[ ] NA<br>[ ] NAP  | 1<br>[ ] NA<br>[ ] NAP |
| <b>4. Other</b>                         | 4<br>[ ] NA<br>[ ] NAP  | 0<br>[ ] NA<br>[ ] NAP |

Comments - If "other", please specify: "other": the case covered ethical and professional issues as well

#### 145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

|   | Judges                  | Prosecutors            |
|---|-------------------------|------------------------|
| <b>Total number (total 1 to 10)</b>                         | 16<br>[ ] NA<br>[ ] NAP | 8<br>[ ] NA<br>[ ] NAP |
| <b>1. Reprimand</b>   | 5<br>[ ] NA<br>[ ] NAP  | 4<br>[ ] NA<br>[ ] NAP |
| <b>2. Suspension</b>  | 0<br>[ ] NA<br>[ ] NAP  | 3<br>[ ] NA<br>[ ] NAP |
| <b>3. Withdrawal from cases</b>                             | [ ] NA<br>[X] NAP       | 0<br>[ ] NA<br>[ ] NAP |
| <b>4. Fine</b>  | [ ] NA<br>[X] NAP       | 0<br>[ ] NA<br>[ ] NAP |
| <b>5. Temporary reduction of salary</b>                     | 5<br>[ ] NA<br>[ ] NAP  | 0<br>[ ] NA<br>[ ] NAP |
| <b>6. Position downgrade</b>                                | [ ] NA<br>[X] NAP       | 0<br>[ ] NA<br>[ ] NAP |
| <b>7. Transfer to another geographical (court) location</b> | [ ] NA<br>[X] NAP       | 0<br>[ ] NA<br>[ ] NAP |

|                       |  |  |
|-----------------------|--|--|
| <b>8. Resignation</b> | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>9. Other</b>       | 6<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>10. Dismissal</b>  | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. "Other": In one case the sanction for a court executive was removal from his/her court executive position, although he/she remained in his/her judicial position. Five cases were finished without any sanction (e.g. the judge resigned before the end of the case).

### E3. Please indicate the sources for answering questions 144 and 145:

Sources: Prosecutors: Human Resource Department of the Office of the Prosecutor General  
Judges: National Office for the Judiciary

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1.Status of the profession of lawyers

#### 146. Total number of lawyers practising in your country:

|                   | Total                                 | Male                                 | Female                               |
|-------------------|---------------------------------------|--------------------------------------|--------------------------------------|
| Number of lawyers | 12 715<br><input type="checkbox"/> NA | 7 035<br><input type="checkbox"/> NA | 5 680<br><input type="checkbox"/> NA |

Comments A new act on the attorneys (Act LXXXVIII of 2017) entered into force on 1 January 2018.  
[https://njt.hu/translated/doc/J2017T0078P\\_20180101\\_FIN.pdf](https://njt.hu/translated/doc/J2017T0078P_20180101_FIN.pdf)

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

Yes ( )

No ( X )

Comments

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

[ ]

☐ NA

☒ NAP



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

|                            | First instance                      | Second instance                     | Highest instance court<br>(Supreme Court) |
|----------------------------|-------------------------------------|-------------------------------------|---|
| Civil cases                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>       |
| Dismissal cases            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>       |
| Criminal cases – Defendant | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>       |
| Criminal cases – Victim    | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>                  |
| Administrative cases       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>       |

☐ NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly:

**149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:**

|                            | First instance   | Second instance  | Highest instance court<br>(Supreme Court)                                      |
|----------------------------|--|--|--|
| Civil society organisation | ( <input checked="" type="checkbox"/> ) Yes<br>( <input type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No |
| Family member              | ( <input checked="" type="checkbox"/> ) Yes<br>( <input type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No |
| Self-representation        | ( <input checked="" type="checkbox"/> ) Yes<br>( <input type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No |
| Trade union                | ( <input checked="" type="checkbox"/> ) Yes<br>( <input type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No |
| Other                      | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No | ( <input type="checkbox"/> ) Yes<br>( <input checked="" type="checkbox"/> ) No |

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s):

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**
☐ Notarial activity

☒ Arbitration / mediation

☒ Proxy / representation

☒ Property manager

☒ Real estate agent

☒ Other law activities (please specify): .....

Comments

**149-2. What are the statuses for exercising the profession of lawyer?**

☒ Self-employed lawyer

☒ Staff lawyer

☒ In-house lawyer

Comments

**150. Is the lawyer profession organised through:**

☒ a national bar association

☐ a regional bar association

☒ a local bar association

Comments

**151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

☒ Yes

☐ No

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

**152. Is there a mandatory general in-service professional training system for lawyers?**

☒ Yes

☐ No

Comments

**153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

☒ Yes

☐ No

Comments - If yes, please specify:

**F1. Please indicate the sources for answering questions 146 and 148:**

Sources: Q146: CCBE LAWYERS' STATISTICS 2018

[https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/Statistics/EN\\_STAT\\_-2018\\_Number-of-lawyers-in-European-countries.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Statistics/EN_STAT_-2018_Number-of-lawyers-in-European-countries.pdf)

Q147 and 148 Legal advisors (jogtanácsos): The fundamental task of legal advisors is to facilitate the operation of the organisation by which they are employed. Legal advisors 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, legal advisors – in contrast to attorneys – discharge their duties (which are not as extensive as those of attorneys) as employees. Legal advisors compensation is based on the regulations concerning employment. Any person entered in the register maintained by the general court – in Budapest (that is, the Metropolitan Court of Budapest) (Fvárosi Törvényszék) – can become a legal advisor. 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. Database of the Hungarian Bar Association.

### 6.1.2.Practicing the profession

**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

☒ Yes

☐ No

Comments

**155. Are lawyers' fees freely negotiated?**

☒ Yes

☐ No

Comments

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

☒ Yes, laws provide rules

☐ Yes, standards of the bar association provide rules

☐ No, neither laws nor bar association standards provide rules

Comments

### 6.1.3.Quality standards and disciplinary procedures

**157. Have quality standards been determined for lawyers?**

☐ Yes

☒ No

Comments - 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 (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

☒ the performance of lawyers

☒ the amount of fees

Comments - Please specify:

**160. Which authority is responsible for disciplinary procedures?**

☒ a judge

☐ Ministry of Justice

☐ a professional authority

☐ other (please specify): .....

Comments

**161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

|   | Number of disciplinary proceedings                                 |
|---|--|
| <b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b> | 506<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. Breach of professional ethics</b>                                   | 20<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>2. Professional inadequacy</b>   | 412<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>3. Criminal offence</b>  | 74<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>4. Other</b>   | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |

Comments - If "other", please specify:

**162. Sanctions pronounced against lawyers.**

|  | Number of sanctions  |
|--|--|
| <b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b> | 274<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>1. Reprimand</b>                                  | 82<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>2. Suspension</b>                                 | 16<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |
| <b>3. Withdrawal from cases</b>                      | 0<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   |
| <b>4. Fine</b>                                       | 147<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| <b>5. Other</b>                                      | 29<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP  |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. In 2018, there were 29 cases where the sanction used was disbarment, and there were 0 cases where the sanction used was the prohibition from public affairs of the chamber or from lawyer profession.

## 7. Court related mediation and other alternative Dispute Resolution

### 7.1 Court related mediation

#### 7.1.1 Details on court related mediation

##### 163. Does the judicial system provide for court-related mediation procedures?

☒ Yes

☐ No

Comments

##### 163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

☒ Before/instead of going to court

☒ Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

☐ No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

##### 163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

☐ Yes

☒ No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

##### 164. Please specify, by type of cases, who provides court-related mediation services:

|   | Private mediator   | Public authority<br>(other than the<br>court)  | Judge  | Public prosecutor  |
|---|--|--|--|--|
| <b>Civil and commercial cases</b>                   | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Family cases</b>                                 | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Administrative cases</b>                         | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Labour cases including employment dismissals</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Criminal cases</b>                               | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |
| <b>Consumer cases</b>                               | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> NAP |

Comments Civil and commercial cases; Family cases; Employment dismissal cases: Judges can act as court mediators, although not in those cases in which they have already acted as a judge.

In criminal cases courts are not allowed to perform mediation. Although there is a possibility for the court in some cases (e.g. crimes against property, traffic crimes) to suspend the case and order the accused person and the victim to turn to a mediator, but the mediation procedure is not carried out by a court mediator, but a public authority.

Since the adoption of Act I of year 2017 (Administrative Procedural Code) court mediation is available also in administrative cases.

## 165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

☒ Yes

☐ No

☐ NAP

Comments - If yes, please specify (only one or both options)::

## 166. Number of accredited or registered mediators for court-related mediation:

|                     | Total  | Males  | Females  |
|---------------------|--|--|--|
| Number of mediators | 153<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments

## 167. Number of court-related mediations:

|  | Number of cases for which the parties agreed to start mediation        | Number of finished court-related mediations                            | Number of cases in which there is a settlement agreement               |
|--|--|--|--|
| Total ( 1 + 2 + 3 + 4 + 5 + 6)                       | 1 299<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP   | 819<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 410<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     |
| 1. Civil and commercial cases                        | 257<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 82<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP      | 37<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP      |
| 2. Family cases                                      | 977<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 703<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     | 363<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP     |
| 3. Administrative cases                              | 9<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 9<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       | 1<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| 4. Labour cases including employment dismissal cases | 56<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP      | 25<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP      | 9<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP       |
| 5. Criminal cases                                    | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP | <input type="checkbox"/> NA<br><input checked="" type="checkbox"/> NAP |
| 6. Consumer cases                                    | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments - Please indicate the source: Consumer cases are included in the category "civil and commercial cases".

National Office for the Judiciary

**168. Do the following alternative dispute resolution (ADR) methods exist in your country?**

- ☒ Mediation other than court-related mediation
- ☒ Arbitration
- ☒ Conciliation (if different from mediation)
- ☒ Other ADR (please specify): .....

Comments

**G1. Please indicate the source for answering question 166:**

Source: National Office for the Judiciary: <https://birosag.hu/szemely/birosagi-kozvetito?szervezeti-egyseg=All&nev=&page=0>

**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

Comments

**170. Number of enforcement agents**

|                              | Total                              | Male                                   | Female                                 |
|------------------------------|------------------------------------|--|--|
| Number of enforcement agents | 230<br><input type="checkbox"/> NA | <input checked="" type="checkbox"/> NA | <input checked="" type="checkbox"/> NA |

Comments

**171. Are enforcement agents (multiple options are possible):**

- ☐ judges
- ☒ bailiffs practising as private professionals under the authority (control) of public authorities
- ☐ bailiffs working in a public institution
- ☐ other

Comments - Please specify their status and powers:

**171-1. Do enforcement agents have the monopoly in exercising their profession?**

- ☒ Yes
- ☐ No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

## 171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

|  | Option  |
|--|---|
| Seizure of movable tangible properties                                   | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| Seizure of immovable properties  | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| Seizure from a third party of the debtor claims regarding a sum of money | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| Seizure of remunerations   | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| Seizure of motorised vehicles  | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| Eviction measures  | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| Enforced sale by public tender of seized properties                      | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |
| Other  | <input checked="" type="checkbox"/> Yes with monopoly<br><input type="checkbox"/> Yes without monopoly<br><input type="checkbox"/> No<br><input type="checkbox"/> NAP |

Comments

## 171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- ☒ Service of judicial and extrajudicial documents
- ☐ Debt recovery
- ☐ Voluntary sale of moveable or immoveable property at public auction
- ☒ Seizure of goods
- ☐ Recording and reporting of evidence



- ☐ Court hearings service
- ☐ Provision of legal advice
- ☐ Bankruptcy procedures
- ☐ Performing tasks assigned by judges
- ☐ Representing parties in courts
- ☐ Drawing up private deeds and documents
- ☐ Building manager
- ☒ Other

Comments

**172. Is there a specific initial training or exam to become an enforcement agent?**

- ☒ Yes
- ☐ No

Comments

**172-1. Is there a system of mandatory general continuous training for enforcement agents?**

- ☐ Yes
- ☒ No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

- ☒ a national body
- ☐ a regional body
- ☐ a local body
- ☐ NAP

Comments

**174. Are enforcement fees easily established and transparent for court users?**

- ☒ Yes
- ☐ No

Comments

**175. Are enforcement fees freely negotiated?**

- ☐ Yes
- ☒ No

Comments

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

- ☒ Yes
- ☐ No

## H0. Please indicate the sources for answering question 170

Source: Register of the National Order of Judicial Officers of Hungary

### 8.1.2. Efficiency of enforcement services



**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

☒ Yes

☐ No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

☒ professional body

☒ judge

☒ Ministry of Justice

☐ public prosecutor

☐ other (please specify): .....

Comments

**179. Have quality standards been determined for enforcement agents?**

☒ Yes

☐ No

Comments - If yes, what are the quality criteria used?

**180. If yes, who is responsible for establishing these quality standards?**

☐ professional body

☐ judge

☒ Ministry of Justice

☐ other (please specify): .....

Comments

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

☐ Yes

☒ No

Comments - If yes, please specify: Order of Minister of Justice on bailiff fees [No. 35/2015. (XI. 10.)]

**182. Is there a system for monitoring how the enforcement procedure is conducted by the**

**enforcement agent?**

☒ Yes

☐ No

Comments - If yes, please specify:

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

☒ no execution at all

☐ non execution of court decisions against public authorities

☒ lack of information

☒ excessive length

☐ unlawful practices

☐ insufficient supervision

☐ excessive cost

☐ other (please specify): .....

Comments

**184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?**

☒ Yes

☐ No

Comments - If yes, please specify: Amendments to the Enforcements laws based on the practical experiences. There is no distinction concerning public authorities.

**185. Is there a system measuring the length of enforcement procedures:**

|                          | Existence of the system  |
|--------------------------|--|
| for civil cases          | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| for administrative cases | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

Comments

**186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

☐ between 1 and 5 days

☐ between 6 and 10 days

☒ between 11 and 30 days

☐ more (please specify): .....

## Comments

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

|   | Number of disciplinary proceedings initiated |
|---|--|
| <b>Total number of initiated disciplinary proceedings (1+2+3+4)</b> | 8<br>[ ] NA<br>[ ] NAP                       |
| <b>1. For breach of professional ethics</b>                         | 6<br>[ ] NA<br>[ ] NAP                       |
| <b>2. For professional inadequacy</b>                               | 0<br>[ ] NA<br>[ ] NAP                       |
| <b>3. For criminal offence</b>                                      | 2<br>[ ] NA<br>[ ] NAP                       |
| <b>4. Other</b>   | 0<br>[ ] NA<br>[ ] NAP                       |

Comments - If "other", please specify:

**188. Number of sanctions pronounced against enforcement agents:**

|  | Number of sanctions pronounced |
|--|--------------------------------|
| <b>Total number of sanctions (1+2+3+4+5)</b> | 2<br>[ ] NA<br>[ ] NAP         |
| <b>1. Reprimand</b>                          | 1<br>[ ] NA<br>[ ] NAP         |
| <b>2. Suspension</b>                         | 0<br>[ ] NA<br>[ ] NAP         |
| <b>3. Withdrawal from cases</b>              | 0<br>[ ] NA<br>[ ] NAP         |
| <b>4. Fine</b>                               | 0<br>[ ] NA<br>[ ] NAP         |
| <b>5. Other</b>                              | 1<br>[ ] NA<br>[ ] NAP         |

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: The difference is that 2 out of the 8 cases launched in 2018 were closed and rest are still in progress.

# H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Q 186: Ministry of Justice

Q187 and 188: Register kept by the National Order of Judicial Officers of Hungary

## 8.2.Execution of decisions in criminal matters

### 8.2.1.Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

☒ Judge

☐ Public prosecutor

☒ Prison and Probation Services

☐ Other authority (please specify): .....

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

☐ Yes

☒ No

Comments

191. If yes, what is the recovery rate?

☐ 80-100%

☐ 50-79%

☐ less than 50%

Comments - Please indicate the source for answering this question:

## 9.Notaries

### 9.1.Profession of notary

#### 9.1.1.Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

|                 | Total  | Male   | Female   |
|-----------------|--|--|--|
| TOTAL (1+2+3+4) | 315<br><input type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

|   |                          |                     |                     |
|---|--------------------------|---------------------|---------------------|
| <b>1. Private professionals (without control from public authorities)</b> | 0<br>[ ] NA<br>[ ] NAP   | [ ] NA<br>[ X ] NAP | [ ] NA<br>[ X ] NAP |
| <b>2. Professionals appointed by the State</b>                            | 315<br>[ ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP | [ X ] NA<br>[ ] NAP |
| <b>3. Public officials</b>  | 0<br>[ ] NA<br>[ ] NAP   | [ ] NA<br>[ X ] NAP | [ ] NA<br>[ X ] NAP |
| <b>4. Other</b>   | 0<br>[ ] NA<br>[ ] NAP   | [ ] NA<br>[ X ] NAP | [ ] NA<br>[ X ] NAP |

Comments - If "other", please specify the status:

## 192-1. What are the access conditions to the profession of notary (multiple options possible):

☒ diploma

☐ professional experience/professional training

☒ exam

☒ appointment procedure by the State

☒ other (please specify): Act XLI of 1991 on notaries § 17.

Comments AAppointment and becoming a civil law notary

In Hungary due to the official nature and constitutional status of a civil law notary in exercising public authority a notary may only assume office as a result of a successful application procedure and the appointment of the Minister of Justice. Only Hungarian citizens are eligible to apply for a notarial seat. The appointment is the sole event when the notary is commissioned by the State to fulfil tasks forming part of the justice system upon the request of clients. The territorial jurisdiction of civil law notaries generally corresponds to the territorial jurisdiction of the relevant district court, they may not proceed outside such limits. The civil law notary is under an obligation to act upon the request of clients and may not consider it from a financial perspective whether it is lucrative enough or not. However, cooperation is to be declined in the event that the client's request is deemed unlawful or has an underlying purpose to bypass the law. The number of notaries and their tariffs is governed by a regulation of the Minister of Justice.

In Hungary notaries must hold a law degree in order to qualify for a seat. Furthermore, they must obtain practice by working for a notary being employed first as a trainee (candidate notary), then following a three-year period as a deputy notary provided they have passed the bar examinations. A deputy notary acts independently under the full financial and professional liability of the notary. Subsequent to three years of such practice, the deputy may substitute the notary all on his/her own assuming full liability in case of the illness of the notary or leave, and may apply for a vacant seat.

## 192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

☒ yes, please indicate the age of retirement: 68,5

☐ no, please specify the duration of the appointment: .....

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Independence, irremovability, impartiality  
The status of a notary is the closest in nature to that of a judge. The notary enforces the law independently only subject to law and may not be ordered. Every decision of the notary may be appealed - save for some exceptions - as that of a first instance court. The notary's institutional autonomy is also reinforced by the fact that he/she may only be assigned to another seat if he/she so requests. The independence of a notary is further supported by the mandatory provision prescribing that apart from holding public office he/she may only be engaged in scientific, artistic, literary, educational, creative technical, and sports activities as a form of gainful occupation. The notary is obliged to report any such gainful occupation to the presidency of the territorial chamber.  
The notary is under an obligation to act impartially. If certain circumstances apply specified by law, or cannot remain unbiased for some reason, he/she may decline to proceed with a formal decision which may be appealed against.

## 194. What kind of activities do notaries perform (multiple options possible):

- ☒ Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- ☒ Authentication
- ☒ Certification of signatures
- ☐ Legality control of documents submitted by the parties
- ☒ Mediation
- ☐ Taking of oaths
- ☒ Other, for example collect taxes, keep registers etc. (please specify): .....

Comments

### 194-1. Do notaries have the exclusive rights when exercising their profession:

- ☒ Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- ☒ Authentication
- ☒ Certification of signatures
- ☐ Legality control of documents submitted by the parties
- ☐ Mediation
- ☐ Taking of oaths

☒ Other, for example collect taxes, keep registers etc. (please specify): issuing order for payment issuing European order for payment  
keeping the register of mortgages imposed on movables keeping the register of civil partnerships keeping the register of wills keeping the  
register of marriage and partnership contracts preliminary evidence appointing expert witness annulment of securities and instruments  
dissolution of registered partnerships ordering of enforcement notarial deposit

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with:

### 194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- ☒ Real estate transaction
- ☐ Family law
- ☒ Succession law
- ☒ Company law
- ☐ Legality control of gambling activities
- ☒ Other

Comments

### 194-3. Do notaries use specialised digital systems in their activity?

- ☐ In establishing authentic instruments
- ☒ In recording authentic instruments (archives)
- ☒ Other activity (please specify): Notaries use a specialised digital system for the payment order procedure

Comments

## 195. Is there an authority entrusted with supervising and monitoring the notaries' work?

☒ Yes

☐ No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?**

☐ professional body

☒ court

☒ Ministry of Justice

☐ public prosecutor

☒ other (please specify): .....

Comments

**196-1. Is there a system of general continuous training for all notaries?**

☒ Yes

☐ No

Comments

**I1. Please indicate the sources for answering question 192:**

Sources: Ministry of Justice

[https://www.mokk.hu/ugyfeleknek/index\\_en.php](https://www.mokk.hu/ugyfeleknek/index_en.php)

Act XLI of 1991 on civil law notaries, Decree Nr. 15/1991. (XI. 26.) of the Minister of Justice

## 10.Court interpreters

### 10.1.Details on profession of court interpreter

#### 10.1.1.Status of court interpreters

**197. Is the title of court interpreters protected?**

☒ Yes

☐ No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

☐ Yes

☒ No

Comments



**199. Number of accredited or registered court interpreters:**

[            ]

[ X ] NA

[   ] NAP

Comments

**200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

(   ) Yes

( X ) No

Comments - If yes, please specify (e.g. having passed a specific exam):

**201. Are the courts responsible for selecting court interpreters?**

[   ] Yes, for recruitment and/or appointment for a specific term of office

[ X ] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[   ] No, please specify which authority selects court interpreters .....

Comments Courts are responsible only for appointment on an ad hoc basis, according to the specific needs of given proceedings.

**J1. Please indicate the sources for answering question 199**

Sources: National Office for the Judiciary

---

**11.Judicial experts**

**11.1.Profession of judicial expert**

**11.1.1.Status of judicial experts**

**202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):**

[ X ] experts who are requested by the parties to bring their expertise to support their argumentation,

[ X ] experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

[   ] "legal 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).

[   ] Other (please specify): .....

Comments

**202-1. Are there lists or databases of registered judicial experts?**

( X ) Yes

( ) No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?):

## 202-2. Who is responsible for registering judicial experts?

☒ Ministry of justice

☐ Courts

☐ Independent body (association of judicial experts)

☐ Other

Comments

## 202-3. Is the registration of judicial experts limited in time?

( ) Yes, for how long .....

( X ) No

Comments

## 203. Is the title of judicial experts protected?

( X ) Yes

( ) No

Comments - If appropriate, please explain the meaning of this protection:

### 203-1. Does the judicial expert have an obligation of training?

|                            | Obligation of training   |
|----------------------------|--|
| <b>Initial training</b>    | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |
| <b>Continuous training</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No |

Comments

### 203-2. If yes, does this training concern:

☒ judicial proceedings

☒ the profession of expert

☒ other

Comments

## 204. Is the function of judicial experts regulated by legal norms?

( X ) Yes

( ) No

Comments The main legal reference is the Act XXIX of 2016 on the function of judicial expert. Besides, the Code of civil procedure provides for that if the Court does not possess that special knowledge, which is needed to judge a significant fact or other circumstances in a legal action it should invite a judicial expert. Other decrees contain rules related to the forensic operation, to the remuneration of

forensic experts; to the forensic specialist areas, as well as to the related professional qualifications and other conditions, to legal education and examination rules necessary for the professional activity of judicial expert, rules on training and examination of the basics of forensic etc. All these rules can be found on the website [www.magyarorszag.hu](http://www.magyarorszag.hu).

**204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?**

( X ) Yes

( ) No

Comments

**205. Number of accredited or registered judicial experts:**

|                   | Total   | Male     | Female   |
|-------------------|---------|----------|----------|
| Number of experts | 3 656   |          |          |
|                   | [ ] NA  | [ X ] NA | [ X ] NA |
|                   | [ ] NAP | [ ] NAP  | [ ] NAP  |

Comments

**205-1. Who sets the expert remuneration?**

- If appointed by the court or other (investigating) official, the remuneration shall be based on the relevant Ministerial Decree of Experts' remuneration [(3/1986 (II. 21.) decree of the Minister of Justice on the remuneration of forensic experts)]. If appointed by the interested party, the remuneration is subject to the agreement of appointer and appointee.

**206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

( X ) Yes

( ) No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

**206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties**

|  | Number of cases     |
|--|---------------------|
| Total (1+2+3+4)                        | [ X ] NA<br>[ ] NAP |
| 1.Civil and commercial litigious cases | [ X ] NA<br>[ ] NAP |
| 2.Administrative cases                 | [ X ] NA<br>[ ] NAP |

|                  |  |
|------------------|--|
| 3.Criminal cases | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |
| 4.Other cases    | <input checked="" type="checkbox"/> NA<br><input type="checkbox"/> NAP |

Comments

## 207. Are the courts responsible for selecting 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, please specify which authority selects judicial expertsMinistry of Justice

Comments

## 207-1. Does the judge control the progress of the expertise?

- ☐ Yes
- ☒ No

Comments

## K1. Please indicate the sources for answering question 205

Sources: Ministry of Justice

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1.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. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans No

2. Budget No

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) The Parliament adopted in december 2018 the Act CXXX of 2018 on administrative court which created a separate administrative court system, but introduction this new sytem was postponed.  
The governement given before the Paliament in october 2018 a bill proposal on the financial compensation related to the prolongation of certain court proceedings.

3.1. Access to justice and legal aid No

4. High Judicial Council No

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. The renewal of the regulations on notaries (including the adoption of a new notarial act instead of the XLI Act of 1991 on Notaries) is planned.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities In October 2019, the government will submit a major amendment to the Companies Act, with the main goal of refocusing court procedures and public services, shifting the focus of company court work to legality review procedures.

7. Enforcement of court decisions No

8. Mediation and other ADR No

9. Fight against crime No

9.1. Prison system NO

9.2 Child friendly justice No

9.3. Violence against partners No

10. New information and communication technologies No

11. Other No