



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Adoption: 22 November 2024

Publication : 14 October 2026

Public

GrecoRC4(2024)14

FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

SECOND COMPLIANCE REPORT

HUNGARY

Adopted by GRECO at its 98th Plenary Meeting
(Strasbourg, 18-22 November 2024)

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I. INTRODUCTION

1. The [Fourth Evaluation Round Report on Hungary](#) was adopted by GRECO at its 67th Plenary Meeting (27 March 2015) and made public on 22 July 2015, following Hungary's authorisation. GRECO's Fourth Evaluation Round deals with "Corruption Prevention in respect of Members of Parliament, Judges and Prosecutors".
2. As required by GRECO's Rules of Procedure, the Hungarian authorities submitted a Situation Report containing information on measures taken to implement the recommendations. In the [Compliance Report](#), adopted by GRECO at its 76th Plenary Meeting (23 June 2017) and made public on 1st August 2019, it was concluded that Hungary had implemented satisfactorily or dealt with in a satisfactory manner only five of the 18 recommendations contained in the Fourth Round Evaluation Report (recommendations vii, ix, xi, xiii and xviii). In the light of these results, GRECO concluded that the overall low level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31, paragraph 8.3 of its Rules of Procedure. It therefore decided to apply Rule 32, paragraph 2.i) in respect of members not in compliance with the recommendations contained in the mutual evaluation report and called on the Head of the Hungarian delegation to submit a report on progress in implementing the outstanding recommendations.
3. In the [Interim Compliance Report](#), adopted by GRECO at its 81st Plenary Meeting (7 December 2018) and made public on 1st August 2019, it was concluded that Hungary had still only implemented satisfactorily or dealt with in a satisfactory manner five of the 18 recommendations contained in the Fourth Round Evaluation Report. In the light of these results, GRECO also concluded that the overall low level of compliance with the recommendations remained "globally unsatisfactory" within the meaning of Rule 31, paragraph 8.3 of its Rules of Procedure. In accordance with Rule 32, paragraph 2 subparagraph (ii), GRECO instructed its President to send a letter – with a Copy to the President of the Statutory Committee – to the Head of Delegation of Hungary, drawing his attention to the need to take determined action with a view to achieving tangible progress as soon as possible.
4. In addition, given the lack of information provided and the lack of progress in implementing the recommendations, in accordance with Rule 32, paragraph 2(iii), GRECO also requested the authorities of Hungary to receive a high-level mission in order to discuss, on the spot with all stakeholders concerned, ways to expedite the legislative and policy changes highlighted in the *Interim Compliance Report*. This high-level mission took place on 1st March 2019, at which the GRECO delegation¹ met with the State Secretary for Cooperation in European and International Justice Affairs at the Ministry of Justice, the Prosecutor General and the President of the National Judicial Council, as well as representatives of the National Office for the Judiciary and members of the Hungarian Delegation to the Parliamentary Assembly to the Council of Europe.
5. The [Second Interim Compliance Report](#) was adopted at GRECO's 85th Plenary Meeting (25 September 2020) and made public on 17 November 2020, following the authorisation by the authorities of Hungary. It concluded that Hungary had still only implemented satisfactorily or dealt with in a satisfactory manner five of the 18 recommendations contained in the Fourth Round Evaluation Report. Four recommendations had been partly implemented and nine not implemented. The level of compliance was again assessed as "globally unsatisfactory". GRECO invited the President of the Statutory Committee to send a letter to the Permanent Representative of Hungary to the Council of Europe, drawing the attention to non-

¹ The GRECO delegation comprised the President of GRECO, the Council of Europe Director of Information Society and Action Against Crime, the Head of the Austrian Delegation to GRECO, GRECO's Executive Secretary and a member of the GRECO Secretariat.

compliance with the relevant recommendations. GRECO also requested the Head of the Hungarian delegation to GRECO to provide a report on the action taken to implement the outstanding recommendations.

6. The [Third Interim Compliance Report](#) was adopted at GRECO's 89th Plenary Meeting (3 December 2021) and made public on 8 September 2022, following the authorisation by the authorities of Hungary. It concluded that Hungary had still only implemented satisfactorily or dealt with in a satisfactory manner six of the 18 recommendations contained in the Fourth Round Evaluation Report. Three recommendations had been partly implemented and nine not implemented. The level of compliance was again assessed as "globally unsatisfactory".
7. The [Fourth Interim Compliance Report](#) was adopted at GRECO's 93rd Plenary Meeting (24 March 2023) and made public on 9 June 2023, following the authorisation by the Hungarian authorities. It concluded that Hungary had still only implemented satisfactorily or dealt with in a satisfactory manner six of the 18 recommendations contained in the Fourth Round Evaluation Report. Six recommendations had been partly implemented and six not implemented. GRECO concluded that the level of compliance was no longer "globally unsatisfactory" in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. GRECO therefore decided not to continue applying Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report.
8. Pursuant to paragraph 8.2 of Article 31 of the Rules of Procedure, GRECO asked the head of the Hungarian delegation to provide a report on the measures taken to implement the outstanding recommendations (i.e. recommendations i-vi, viii, x, xii, xiv, xvi and xvii).
9. The situation report was received on 30 July 2024 and forms the basis of this [Second Compliance Report](#), which assesses the implementation of the 12 outstanding recommendations and provides an overall assessment of Hungary's level of compliance with these recommendations.
10. GRECO selected Austria (with respect to members of parliament) and Romania (with respect to judges and prosecutors) to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Brigitte ROM on behalf of Austria and Sorin TANASE on behalf of Romania. They were assisted by GRECO's Secretariat in drawing up this Second Compliance Report.

II. ANALYSIS

11. GRECO, in its Fourth Round Evaluation Report, addressed 18 recommendations to Hungary. In the Fourth *Interim Compliance Report*, GRECO concluded that recommendations vii, ix, xi, xiii, xv and xviii had been implemented satisfactorily or dealt with in a satisfactory manner. Recommendations iv, vi, viii, x, xiv and xvii had been partly implemented and recommendations i, ii, iii, v, xii and xvi not implemented. Compliance with the 12 outstanding recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i

12. GRECO recommended (i) to ensure that all legislative proposals are processed with an adequate level of transparency and consultation and, (ii) that rules be introduced for members of parliament on how to interact with lobbyists and other third parties seeking to influence the parliamentary process.

13. GRECO recalls that this recommendation was not implemented in the Fourth *Interim Compliance Report*. For part (i) of this recommendation, no statistics were provided showing progress with respect to commitments made to introduce stricter public consultation obligations for legislative proposals by the Government (in an agreement reached with the European Commission). There was also no progress reported with respect to part (ii) of this recommendation, on the introduction of rules on the interaction of MPs with lobbyists and third parties.
14. The authorities report, with respect to part (i) of this recommendation, that there has been no legislative change. They reiterate that the rules which require 90% of the draft legislation prepared by the Government to be submitted to public consultation entered into force on 26 October 2022. They also refer to Act CXXXI of 2010 on social participation in the preparation of legislation, under which the Government Control Office has to report on the implementation of this Act in its annual report, which is publicly available². In addition, the Directorate General for Audit of European Funds checks every year whether this objective has been attained. In the period under review, a total of 1441 laws, government decrees and ministerial regulations have been published in the Hungarian Official Gazette. 220 laws were not covered by this Act and for 36 laws, consultation with government bodies had started before the period under review. The Directorate General for Audit of European Funds has carried out the certification procedure for 1221 legislative texts, out of which 1118 followed the public consultation rule (i.e. 92% of the legislation audited). 103 legislative texts (i.e. 8% of the legislation audited) were not subject to public consultation.
15. The authorities have nothing to report for part (ii) of this recommendation.
16. GRECO takes note of this information. As regards part (i), although it is to be welcomed that 92% of the legislative texts were subject to public consultation, it is also to be noted that important legislative texts tend not to be subject to public consultation (see the EC's 2024 Rule of Law Report);³ further improvements are needed in this respect. For part (ii) GRECO notes that no progress has been made.
17. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii

18. *GRECO recommended that a code of ethics/conduct for members of parliament be adopted, including in respect of their staff as appropriate – covering various situations of conflicts of interest (gifts and other advantages, third party contacts, lobbyists, accessory activities, post-employment situations, etc.) and that it be complemented by practical measures for its implementation, such as dedicated training and counselling.*
19. GRECO recalls that this recommendation was not implemented in the Fourth *Interim Compliance Report*. Although an amendment was made to the Rules on the acceptance of gifts in Act XXXVI of 2012 on the National Assembly, it only addressed the issue of gifts, not third-party contacts, lobbyists, accessory activities, post-employment situations etc. It also did not address the introduction of a code of ethics/conduct for MPs/their staff nor training and counselling in this respect, which is the gist of this recommendation.

² <https://cdn.kormany.hu/uploads/document/1/1b/1b8/1b89f211f360f193009ad1f7d9d9299a858d2c07.pdf>
<https://cdn.kormany.hu/uploads/document/0/0c/0cb/0cb223be52ca99cda3194c9b012343cc6f4518c5.pdf>

³ European Commission, 2024 Rule of Law Report, Hungary, p. 33,
https://commission.europa.eu/document/download/e90ed74c-7ae1-4bfb-8b6e-829008bd2cc6_en?filename=40_1_58071_coun_chap_hungary_en.pdf

20. The authorities report that no code of ethics/conduct has been established yet. However, on 14 February 2024, Government Decision 1025/2024 (II. 14.) *on the adoption of the medium-term National Anti-Corruption Strategy 2024-2025 and the action plan for its implementation* (hereinafter, "Government Decision") was published. Under point 2.2 a) of the Action Plan (which is Appendix 1 to the Government Decision), the Government requested the relevant bodies to draw up codes of ethics for MPs and Parliament Office employees by 31 December 2024. Point 2.2 b) refers to training on integrity awareness to be held by 30 November 2025, taking into account the content of the codes of ethics.
21. GRECO welcomes that codes of ethics for MPs and Parliament Office employees are planned and that training on integrity awareness, taking into account the content of the future codes of ethics, is also planned. However, this needs to effectively materialise in practice.
22. GRECO therefore concludes that recommendation ii remains not implemented.

Recommendation iii
23. *GRECO recommended that a requirement of ad hoc disclosure be introduced for members of parliament for situations of personal conflicts of interest which may emerge during the parliamentary proceedings and that rules for such situations be developed.*
24. GRECO recalls that this recommendation was not implemented in the Fourth *Interim* Compliance Report and the authorities had reported no progress since the Compliance Report.
25. The authorities report no progress with respect to this recommendation.
26. GRECO concludes that recommendation iii remains not implemented.

Recommendation iv
27. *GRECO recommended to ensure (i) that the obligation upon members of parliament to disclose outside occupations and activities of a non-financial character are applied in practice; and (ii) that all declarations as submitted follow a format, which allows for adequate public scrutiny over time, preferably by using electronic means.*
28. GRECO recalls that this recommendation was partly implemented in the Fourth *Interim* Compliance Report. Amendments had been introduced to Act XXXVI of 2012 on the National Assembly on provisions dealing with "notifiable activities" (Article 89, which entered into force on 1st August 2022) and declaration of assets allowing for searchable access to the personal declaration of assets of MPs online (Article 94, which entered into force on 31 March 2023). GRECO had not seen these amendments.
29. The authorities report that in accordance with Articles 89 and 94 of Act XXXVI of 2012 on the National Assembly, all MPs have declared their secondary activities, positions, memberships and economic interests in their declarations of assets and liabilities in January 2023 and in January 2024. Part C) of the declaration of assets form in Appendix 1 to Act XXXVI of 2012 on the National Assembly, also requires the declaration of memberships, offices and other interests that are not necessarily financial in nature, in accordance with Section 89 of the National Assembly Act. These declarations are publicly available on the Parliament's website. Their content has been digitalised, so that all parts can be electronically searched on the Parliament's website. The authorities explain that the digitalisation process ensures that there is

no discrepancy between submitted versions either in form or in content. As both the original version submitted by the MPs and the digitalised version are published, any discrepancy can easily be checked and corrected. Both versions are in any case submitted to the MP concerned before their publication.

30. GRECO takes note of this information. The amendments to Act XXXVI of 2012 on the National Assembly address part (i) of this recommendation, notably the obligation of MPs to disclose outside occupations, which seem to be applied in practice, and includes some activities of a non-financial character. For part (ii) all declarations submitted are digitalised and publicly available and follow the same format so as to allow for adequate public scrutiny.

31. GRECO concludes that recommendation iv has been implemented satisfactorily.

Recommendation v

32. *GRECO recommended that appropriate measures be taken in order to ensure that the procedures of lifting the immunity of parliamentarians do not hamper criminal investigations in respect of members of parliament suspected of having committed corruption related offences.*

33. GRECO recalls that this recommendation was not implemented in the Fourth *Interim Compliance Report*.

34. The authorities reiterate that there is a long-standing practice for Parliament to lift immunity of MPs in case of public prosecution, including corruption cases. Immunity is not an obstacle to the investigation, i.e. to the gathering of evidence. It is only the conduct of public prosecutions, detention or other coercive measures as a result of an investigation that requires the authorisation of Parliament. For example, in a single public prosecution that took place in the first half of 2024, the motion for waiver of immunity was received on 5 March 2024. The decision to waive immunity was taken by Parliament on 10 April 2024 (result: immunity waived, criminal proceedings may proceed). The procedure essentially requires a committee meeting - where the Member concerned is heard - and a plenary session where Parliament takes its decision.

35. GRECO takes due note of the example provided by the authorities of a relatively fast procedure, in 2024, for a decision on waiving immunity (one month), which comes in addition to other examples, which have been provided before, along the conformity procedure. GRECO notes that, already in the Fourth Round Evaluation Report, it was observed that immunities were regularly lifted by Parliament in situations where MPs were suspected of having committed a criminal offence. As there is an established practice for Parliament to accept and meet requests for lifting parliamentary immunity in such cases, GRECO concludes that this immunity does not hamper criminal investigations in respect of MPs. Hence, this recommendation has been dealt with in a satisfactory manner.

36. GRECO concludes that recommendation v has been dealt with in a satisfactory manner.

Recommendation vi

37. *GRECO recommended that appropriate measures be taken to ensure effective supervision and enforcement of the existing and yet to be established rules on the conduct, conflicts of interest and interest declarations of members of parliament and that adequate and proportionate sanctions be introduced to that end.*
38. GRECO recalls that this recommendation was partly implemented in the previous compliance report. Access to MPs' asset declarations had been rendered searchable online, however this did not sufficiently address the main components of this recommendation.
39. The authorities report that no new rules have been drafted. They reiterate, however, that there are rules dealing with conflicts of interest and declarations of asset, notably Sections 91(4) and 94(4) of the Act on the National Assembly.
40. GRECO takes note that no progress has been made with respect to this recommendation. It would like to underline that GRECO considered, in the Evaluation Report, that the existing possibilities to sanction MPs were not sufficient (see paragraph 82 of the Evaluation Report).
41. GRECO concludes that recommendation vi remains partly implemented.

Corruption prevention in respect of judges

Recommendation viii

42. *GRECO recommended that the powers of the President of the National Judicial Office to intervene in the process of appointing and promoting candidates for judicial positions be reviewed in favour of a procedure where the National Judicial Council is given a stronger role.*
43. GRECO recalls that this recommendation was partly implemented in the Fourth *Interim* Compliance Report. GRECO welcomed the developments under the EU's Hungarian Recovery and Resilience Plan of 15 December 2022, aiming to strengthen the role and powers of the National Judicial Council (NJC) to effectively counterbalance the powers of the President of the National Judicial Office. GRECO was looking forward to receiving information on the progress made with respect to the resulting legislative amendments, once they had entered into force (31 March 2023).
44. The authorities now report that several legislative measures have been taken to implement the Hungarian Recovery and Resilience Plan. Amendments aimed at strengthening the role of the NJC and the independence of the *Kúria* (Supreme Court) came into force, with the adoption of *Act X of 2023 amending certain Acts governing justice* (i.e. Act CLXI of 2011 on the organisation and administration of courts; Act CLXII of 2011 on the legal status and remuneration of judges). The amendments extend the NJC's competences in relation to the President of the National Office for the Judiciary, whose task is to deal with the central administration of the courts. The amendments also ensure that the necessary organisational and budgetary framework is in place to cover the increased competences of the NJC. In addition, the amendments increase the competences of the department of judges in the Supreme Court and aim to further strengthen the transparency of the case allocation scheme.

45. For the appointment of judges, Section 30 (6)⁴ of Act X of 2023 (on staff affairs) provides that the President of the National Judicial Office and the President of the Supreme Court require the NJC's consent to annul an appointment procedure for a judicial position, if there is at least one eligible candidate who was included in the Judicial Council's ranking. The same applies to the appointment procedure for court executive positions, if there is at least one eligible candidate who has received the support of the judges of a given court. Section 42 (1)⁵ of Act X of 2023 requires the NJC's prior consent for the annulment of an appointment procedure by the Presidents of the National Judicial Office or of the Supreme Court for any position that is subject to their right of appointment. Finally, Section 50⁶ of Act X of 2023 requires the NJC's prior consent for the annulment of an appointment procedure by the President of the National Judicial Office.
46. GRECO welcomes the entry into force, on 1st June 2023, of Act X of 2023 amending certain Acts governing justice. It takes note that the role and powers of the National Judicial Council have been increased to effectively counterbalance the powers of the President of the National Judicial Office in the process of appointing and promoting candidates for judicial positions, in line with this recommendation's requirements.
47. GRECO concludes that recommendation viii has been implemented satisfactorily.

Recommendation x

48. *GRECO recommended that the power of the President of the National Judicial Office to re-assign ordinary judges without their consent be reduced to a minimum in time and only for precise and particular reasons of a temporary character.*
49. GRECO recalls that this recommendation was partly implemented in the Fourth *Interim Compliance Report*. GRECO welcomed the developments under the EU's Hungarian Recovery and Resilience Plan of 15 December 2022, aiming to ensure that the National Judicial Council (NJC) provides motivated and binding opinions on individual decisions and on the transfer of judges (including secondments) to another court by the President of the National Judicial Office. GRECO also took note that judges, following their secondment, will be prohibited from being assigned to a court of a higher instance than the court in which they were before their secondment.

⁴ Section 30 (6) of the Act X of 2023 amended Section 103 (3) of Act CLXI of 2011 on the organisation and administration of courts (hereinafter 'Court Organisation Act') by adding the following points o) and p):

[(3) As regards the field of personnel affairs, the NJC shall]

'o) exercise the right of consent as regards a decision by the president of the NOJ or the president of the Curia declaring ineffective a call for applications for the position of a judge if there was at least one applicant included in the ranking of the judicial council who submitted a valid application meeting the application criteria to the call for applications;

p) exercise the right of consent as regards a decision by the president of the NOJ or the president of the Curia declaring ineffective a call for application for a court leader position if there was at least one applicant supported by the organ or organs giving opinion who submitted a valid application meeting the application criteria to the call for applications;'

⁵ Section 42 (1) of the Act X of 2023 added the following paragraph (1a) to Section 133 of the Court Organisation Act:

'(1a) If there is at least one applicant supported by the organ or organs giving opinion who submitted a valid application meeting the application criteria to a call for applications to a position subject to the right of appointment of the president of the NOJ or the president of the Curia, and the president of the NOJ or the president of the Curia intends to declare that call for applications ineffective, he or she shall request in advance the consent of the NJC; the call for applications may be declared ineffective only with consent of the NJC.'

⁶ Section 50 of the Act X of 2023 added the following paragraph (6) to Section 18 of the Act CLXII of 2011 on the legal status and remuneration of judges (hereinafter 'Judge Status Act'). This provision, based on a cross-reference rule in Section 19 of the Judge Status Act applies in relation to the president of the Curia too:

'(6) If there is at least one applicant included in the ranking of the judicial council who submitted a valid application meeting the application criteria to the call for applications and the president of the NOJ intends to declare that call for applications ineffective, he or she shall request in advance the consent of the NJC; the call for applications may be declared ineffective only with consent of the NJC.'

50. The authorities report that Act X of 2023 provides that the NJC must provide a motivated and binding opinion on the transfer, as well as the secondment, of judges by the President of the National Judicial Office to the Supreme Court or to another court.
51. As regards assignments/transfers: the President of the National Judicial Office may assign a judge to the National Judicial Office without the NJC's consent. However, the NJC's consent is required for assignments to the Supreme Court or other courts (Sections 23(6), (7), 30(6), 51 and 52 of Act X of 2023)⁷.
52. As regards secondments: Sections 23(7), 30(6) and 54⁸ Act X of 2023 ensures that the NJC's consent is required for the secondment of judges by the President of the National Judicial Office.

⁷ Section 23 (6) of the Act X of 2023 amended Section 76 (5) f) of the Court Organisation Act as follows:

[(5) Acting within his or her function regarding staff matters, the president of the NOJ]

'f) may assign the judge to the Curia, the NOJ and an organ specified in the Act on the legal status and remuneration of judges (hereinafter the "organ concerned"), where, with the exception of assignment to the NOJ, any such decision shall require the consent of the NJC and shall decide on the termination of assignment and the reassignment of the judge to an actual judicial position;'.

[(7) Acting within his or her function regarding staff matters, the president of the NOJ]

'h) with the consent of the NJC, shall decide on the secondment of a judge to another service post, unless the secondment takes place between a regional court and a district court within its area of jurisdiction or between district courts within the area of jurisdiction of a regional court; for a secondment to the Curia, the consent of the judicial council of the Curia and the consent of the division of the Curia in the section corresponding to the section of the judge to be seconded shall also be required;'.

Section 30 (6) of the Act X of 2023 added the following point *m)* and its subpoint *mb)* to Section 103 (3) of the Court Organisation Act:

[(3) As regards the field of personnel affairs, the NJC shall]

'm) exercise the right of consent as regards a decision on

(...)

mb) the assignment of a judge to the Curia or an organ concerned by the president of the NOJ acting within his or her competence under Section 76 (5) f);'.

Section 51 of the Act X of 2023 amended Section 27 (3) of the Judge Status Act as follows:

'(3) In the situations referred to in paragraphs (1) and (2), the consent of the judge shall be required for the assignment of the judge; furthermore, the consent of the NJC shall also be required for the assignment of a judge to the Curia.'

Section 52 of the Act X of 2023 amended Section 27/A (2) of the Judge Status Act as follows:

'(2) Assignment to an organ referred to in paragraph (1) (hereinafter the "organ concerned") may be initiated by the head of the organ concerned or, for the prosecution service, the Prosecutor General, at the request of the judge. For such an assignment, the consent of the president of the court exercising employer's rights over the judge and of the NJC shall be required.'

⁸ Section 23 (7) of the Act X of 2023 amended Section 76 (5) h) of the Court Organisation Act as follows:

[(7) Acting within his or her function regarding staff matters, the president of the NOJ]

'h) with the consent of the NJC, shall decide on the secondment of a judge to another service post, unless the secondment takes place between a regional court and a district court within its area of jurisdiction or between district courts within the area of jurisdiction of a regional court; for a secondment to the Curia, the consent of the judicial council of the Curia and the consent of the division of the Curia in the section corresponding to the section of the judge to be seconded shall also be required;'.

Section 30 (6) of the Act X of 2023 added the following point *m)* and its subpoint *mc)* to Section 103 (3) of the Court Organisation Act:

[(3) As regards the field of personnel affairs, the NJC shall]

'm) exercise the right of consent as regards a decision on

(...)

mc) the secondment of a judge by the president of the NOJ acting within his or her competence under section 76 (5) h);'.

53. GRECO welcomes that the National Judicial Council provides motivated and binding opinions on individual decisions and on the transfer of judges (including secondments) to another court by the President of the National Judicial Office. This addresses the final concern under this recommendation.

54. GRECO concludes that recommendation x has been implemented satisfactorily.

Recommendation xii

55. *GRECO recommended that the immunity of ordinary judges be limited to activities relating to their participation in the administration of justice ("functional immunity").*

56. GRECO recalls that this recommendation remained not implemented in the Fourth *Interim* Compliance Report as no progress had been made with respect to this recommendation.

57. The authorities reiterate that reduction in immunity implies an increase in the number of cases brought in bad faith against judges in order to delay proceedings. The President of the National Judicial Office will therefore continue to act in accordance with the legislation in force.

58. GRECO concludes that recommendation xii remains not implemented.

Corruption prevention in respect of prosecutors

Recommendation xiv

59. *GRECO recommended that i) the possibility to re-elect the Prosecutor General be reconsidered and ii) the possibility to maintain the Prosecutor General in office after the expiry of his/her mandate by a minority blocking of the election in Parliament of a successor be reviewed by the Hungarian authorities.*

60. GRECO recalls this recommendation remained partly implemented in the Fourth *Interim* Compliance Report with respect to part (i). As regards part (ii) the authorities stressed in the Second *Interim* Compliance Report, that it was essential for the proper functioning of the prosecution service for the Prosecutor General's position to be filled even during the transitional period – until the required majority was formed.

61. The authorities report that no further progress has been made with regard to this recommendation.

62. GRECO concludes that recommendation xiv remains partly implemented.

Section 54 of the Act X of 2023 added the following paragraphs (1a) and (1b) to Section 32 of the Judge Status Act:

'(1a) Should the president of the NOJ intend to order the secondment of the judge, the consent of the NJC shall be request in advance; the consent of the NJC shall be required for such a secondment.

(1b) Should the president of the NOJ intend to order the secondment to the Curia of the judge, the consent of the judicial council of the Curia and of the Curia division of the section corresponding to the section of the judge to be seconded shall be requested before requesting the consent of the NJC in accordance with paragraph (1a); the consent of the judicial council, the division and the NJC shall be required for such a secondment.'

Recommendation xvi

63. *GRECO recommended that the immunity of public prosecutors be limited to activities relating to their participation in the administration of justice ("functional immunity").*
64. GRECO recalls that this recommendation remained not implemented in the Fourth Interim Compliance Report.
65. The authorities report that no progress has been made with regard to this recommendation.
66. GRECO concludes that recommendation xvi remains not implemented.

Recommendation xvii

67. *GRECO recommended that disciplinary proceedings in respect of prosecutors be handled outside the immediate hierarchical structure of the Prosecution Service and in a way that provides for enhanced accountability and transparency.*
68. GRECO recalls that this recommendation remained partly implemented in the Fourth Interim Compliance Report. GRECO noted that no new information had been provided and that progress acknowledged in the previous reports to include a disciplinary commissioner in disciplinary proceedings had been welcomed as a step forward. GRECO underlined, however, that a disciplinary commissioner's role was limited, and the superior prosecutor still led the overall procedure. There were also no measures introduced to increase the transparency of the process.
69. The authorities report that the rules on disciplinary proceedings will be reconsidered.
70. GRECO takes note of this information and that no progress has been made with respect to this recommendation.
71. GRECO concludes that recommendation xvii remains partly implemented.

III. CONCLUSIONS

72. In view of the foregoing, GRECO concludes that Hungary has implemented satisfactorily or dealt with in a satisfactory manner 10 of the 18 recommendations contained in the Fourth Round Evaluation Report. Of the remaining recommendations, four have now been partly implemented and four remain not implemented.
73. More specifically, recommendations iv, v, vii, viii, ix, x, xi, xiii, xv, and xviii have been implemented satisfactorily or dealt with in a satisfactory manner. Recommendations i, vi, xiv and xvii have been partly implemented and recommendations ii, iii, xii and xvi not implemented.
74. In respect of members of parliament, although some progress has been noted, GRECO underlines that more determined measures are still needed to improve the integrity framework of Parliament. Some progress has been made with respect to the level of transparency and consultation in the legislative process – nevertheless important legislative texts tend not to be subject to public consultation, defeating the purpose of the consultative process. Codes of ethics for MPs and Parliament Office employees are in the pipeline as is training on integrity awareness that will take into account these future codes of ethics; these plans have not yet materialised. The need

remains to further develop rules obliging MPs to disclose, in an *ad hoc* manner, potential conflicts of interest between their parliamentary work and their private interests. It is also important that an effective supervision and enforcement of rules of conduct, conflict of interests and asset declarations be ensured.

75. As regards judges, notable progress has been made with respect to the three remaining recommendations, two of which have now been implemented. GRECO welcomes the entry into force, on 1st June 2023, of Act X of 2023 amending certain Acts Governing Justice. This increased the role and powers of the National Judicial Council to effectively counterbalance the powers of the President of the National Judicial Office in the appointment/promotion of candidates for judicial positions. It also ensures that the National Judicial Council provides motivated and binding opinions on individual decisions and on the transfer of judges (including secondments) to another court by the President of the National Judicial Office. However, the issue of the far-reaching immunity of judges remains a concern.
76. As regards prosecutors, no progress has been made with the three remaining recommendations. In this respect, GRECO reiterates that disciplinary proceedings are still not handled outside the direct hierarchical structure, which remains a concern. Furthermore, no progress has been made with respect to the prolongation of the term of the Prosecutor General and the broad immunity enjoyed by prosecutors.
77. In view of the fact that eight out of 18 recommendations are yet to be implemented, GRECO, in accordance with Rule 31 revised, paragraph 9, of its Rules of Procedure, asks the Head of the delegation of Hungary to submit additional information, namely regarding the implementation of recommendations i, ii, iii, vi, xii, xiv, xvi and xvii by 30 November 2025.
78. GRECO invites the authorities of Hungary to authorise, as soon as possible, the publication of the present report, to translate it into the national language and to make this translation public.