

The independence of the Prosecution Service of Hungary is guaranteed by Article 29 of the Fundamental Law of Hungary, and two cardinal laws: Act CLXIII of 2011 on the Prosecution Service of Hungary (hereinafter: Prosecution Service Act) and Act CLXIV of 2011 on the Status of the Prosecutor General, Prosecutors, Other Prosecution Employees and the Prosecution Career of Hungary (hereinafter: Prosecutorial Employment and Career Act).

More particularly, the Prosecution Service Act exhaustively provides for general principles of prosecutors' work and conduct, and it also sets forth that the Prosecution Service performs its duties in a hierarchical organisational structure in which employees responsible for decisions can be personally identified. The Prosecutorial Employment and Career Act contains detailed provisions about prosecutors' conflict of interests, work and remuneration. These provisions are effectively applied in practice, too.

The code of ethics of prosecutors' professional conduct, namely the Code of Ethics and Standards issued by the Hungarian National Association of Prosecutors was published in Issue No. 9/2007 of the Prosecutors' Gazette with the aim of facilitating compliance with law, ensuring independent, impartial and professional prosecutorial work that serves the public interest as well as with the aim of guaranteeing that professional conduct complies with prosecutors' professional dignity. Based on these set of rules, however, only those prosecutors can be subjected to an ethical examination who are members of the Hungarian National Association of Prosecutors.

The National Meeting for Head Prosecutors adopted the recommendation of the Prosecutor General of Hungary on the Code of Ethics and Standards of Prosecutors' Professional Conduct on 3rd December 2014. This Code is based on Rec (2000) 19 on the role of public prosecution in the criminal justice system, on the Draft Opinion (document CCPE-GT 9.(2014)) of the Working Group of the Consultative Council of European Prosecutors reviewing Rec (2000) 19 as well as on the European Guidelines on Ethics and Conduct for Public Prosecutors (The Budapest Guidelines).

The recommendation is a comprehensive summary of the rules of ethics regarding prosecutors' professional conduct in order to guarantee lawful, fair and unbiased proceedings. The recommendation particularly touches upon principles recommended to be followed by prosecutors in the course of their prosecutorial activities in the field of criminal and non-criminal law and upon principles to be followed in their private life. In addition, special rules of ethics such as the respect of (subordinate) colleagues' human dignity, their appreciation, their objective assessment and support are specified for head prosecutors and senior managers as well.

The Prosecutorial Employment and Career Act contains rules about prosecutors' disciplinary liability, their liability for damages and the preconditions of paying non-pecuniary damages. These rules are also applicable when an ethical breach constitutes a disciplinary offence as well. An effective system of remedies is available when prosecutors are called to account: appeals can be lodged to the Prosecutor General of Hungary and lawsuits can be filed to the court in the form of an employment legal dispute.

The number of disciplinary proceedings at the Prosecution Service of Hungary (in the past five years between 16 – 21) and the number of written warnings used as sanctions for minor disciplinary offences (between 10 and 16) cannot be considered as significant compared to the ca. 4,500 staff members of the Prosecution Service. This, at the same time, is a good indication of prosecutors' and

other prosecutorial employees' activities, which are worth of recognition and appreciation as far as profession and ethics are concerned, and it is also a good indication of the effectiveness of laws and governing measures which ensure the work and operation of the Prosecution Service.