

Act CXI of 2012
on the Amendment of Act CLXI of 2011 on the Organisation and Administration of
Courts and Act CLXII of 2011 on the Legal Status and Remuneration of Judges

1. Amendments to Act CLXI of 2011 on the Organisation and Administration of
Courts

Section 1

Section 27 (4) of Act CLXI of 2011 on the Organisation and Administration of Courts (hereinafter: "OACA") shall be replaced by the following provision:

"(4) The President of the NJO* shall inform the President of the Curia if he or she is of the opinion that a law standardisation procedure is necessary in the interest of a uniform application of the law; the President of the NJO shall not have the right to initiate law standardisation procedure."

Section 2

(1) Section 62 (1) of the OACA shall be replaced by the following provision:

"(1) The President of the NJO, taking into account the principles laid down by the NJC may, as an exception, appoint a court with the same competence for the assessment of a case instead of the competent court if the case or a specific group of cases received by the court during a given period cannot otherwise be assessed within a reasonable time due to the extraordinary and is proportionate workload of the court and if the appointment does not result in a disproportionate burden for the appointed court."

(2) Section 62 of the OACA shall be supplemented with the following paragraph (4):

"(4) The court initiating the appointment of a different court shall inform the parties involved in the proceeding through a notice sent by postal service and, simultaneously, by posting a notice on the notice board. The notice shall contain information on the judicial review against the appointment of a different court."

Section 3

(1) Section 63 (2) of the OACA shall be supplemented with the following sentence:

"(2) In his/her decision, the President of the NJO shall present the application of the principles laid down by the NJC."

(2) Section 63 (3) of the OACA shall be replaced by the following provisions:

"(3) Parties affected by the appointment of a proceeding court shall have the right to lodge an appeal against the decision on the appointment of the proceeding court within 8 days of its publication on the official website of the courts and on the central website. The failure to meet this deadline may not be excused by the submission of a justification. The appeal shall be submitted to the President of the NJO in writing, the number of copies shall exceed by one the number of parties involved in the proceeding.

(4) Appeals submitted in accordance with the provisions in (3) shall be adjudicated by the Curia within 8 working days in out-of-court proceeding. Appeals submitted after the expiry of the deadline shall be rejected by the Curia without assessing their merits. The Curia can only revise the discretionary decision of the President of the NJO to the extent that the President of the NJO has breached the legal provisions applicable to the making of the decision.

(5) If the Curia determines during the review that the decision of the President of the NJO on the appointment of the proceeding court is in conformity with the rules on the appointment of proceeding courts set out in this Act, the Curia shall uphold the decision. If the decision is not in conformity with the rules on the appointment of proceeding courts set out in this Act, the Curia shall repeal the decision. The Curia may not modify the decision on the appointment of the proceeding court.

(6) The decision of the Curia shall be delivered to the parties through the President of the NJO and at the same time it shall be published on the official website of the courts and on the central website. If the Curia confirms the decision on the appointment of the proceeding court, the President of the NJO shall without delay inform the appointed court and, if the appointment affects a criminal case, the Prosecutor General. The delivery of the decision of the Curia to the parties or the unsuccessful delivery shall not affect the appointment of the proceeding court."

(3) Section 64 of the OACA shall be replaced by the following provision:

"No new appointment as discussed in the present Chapter shall be made in the case affected by the appointment, with the exception laid out in Section 63 (3)-(6)."

Section 4

(1) Section 76 (1) d) of the OACA shall be replaced by the following provision:

(In his/her general central administrative position the President of the NJO shall)

"d) make proposals on legislation concerning courts to the bodies that have the right to initiate legislation concerning courts,"

(2) Section 76 (3) a) of the OACA shall be replaced by the following provision:

(In his/her role concerning the budgets of courts the President of the NJO shall)

"a) draw up – after having consulted on the Chapter of the Act on the State Budget on the courts with the President of the NJC with respect to the NJC and the President of the Curia with respect to the Curia, and by communicating their opinions – his/her proposal concerning the budget of courts and the report on the implementation of the budget which the Government shall put forward to the Parliament as part of the Act on the State Budget and its implementing provisions without amendment,"

(3) Section 76 (4) b) of the OACA shall be replaced by the following provision:

(In his/her role regarding statistical data collection, case distribution and the measuring of workloads the President of the NJO shall)

"b) taking into consideration the principles laid down by the NJC, designate another court to proceed instead of the presiding court if so necessitated by the objective of adjudicating cases within a reasonable period of time,"

(4) Section 76 (8) c) of the OACA shall be replaced by the following provision:

(In his/her role regarding information the President of the NJO)

"c) shall annually report to the Parliament on the general situation of courts and the administrative activities of courts, and once in between annual reports to the Parliamentary Committee of the Judiciary."

Section 5

(1) Section 77 (2) of the OACA shall be supplemented with the following sentence:

"The President of the NJO shall – where applicable – state the reasons of his/her decisions."

(2) Section 77 (4) of the OACA shall be replaced by the following provision:

"(4) The President of the NJO shall publish the report on the general situation of courts and the administrative activities of courts prepared for the Parliament and the minutes of the interviews of applicants for a leading position that falls under the appointment authority of the President of the NJO on the central website.

(3) Section 77 of the OACA shall be supplemented with the following paragraph (7):

"(7) The President of the NJO shall draw up the information and the report set forth in Section 76 (8) a)-c) by providing details on his/her responsibilities under Section 76, with special regard to the criteria and circumstances of the exercise of his/her competences under Section 76 (4) b) and Section 76 (5) b), h) and m)."

(4) Following Section 77, the OACA shall be supplemented with the following Section

"Section 77/A (1) Judges can submit a constitutional complaint to the Constitutional Court against the regulations adopted by the President of the NJO if the conditions set out for constitutional complaints in the Act on the Constitutional Court are met.

(2) Judges may challenge decisions affecting their judicial service relationship status adopted by the President of the NJO exercising his/her power in personnel matters before administrative and labour court, unless the law confers the adjudication of the service dispute within the competence of the service court."

Section 6

Section 78 (2) of the OACA shall be replaced by the following provision:

"(2) The President of the NJO shall be, in case of impediment and also if the position is vacant, substituted by the general Vice President of the NJO. The general Vice President of the NJO, in case of impediment, shall be substituted by other deputies of the President of the NJO, according to the order laid down by the President of the NJO. In the absence of a person authorized for the substitution, the duties of the President of the NJO shall be performed by the President of the NJC."

Section 7

(1) Section 103 (1) b) of the OACA shall be replaced by the following provision:

(In the area of general central administration the NJC)

"b) shall propose to the President of the NJO to exercise the power set out in Section 76 (1) d),"

(2) Section 103 (1) of the OACA shall be supplemented with the following point d):

(In the area of general central administration the NJC)

"d) shall approve the rules of procedure of the service court and publish it on the central website."

(3) Section 103 of the OACA after paragraph (2) shall be supplemented with the following paragraph (2a):

"(2a) In the areas of statistical data collection, the distribution of cases and the measurement of workload, the NJC

a) may, in especially justified cases, order the adjudication of cases concerning a broad spectrum of society or cases of outstanding importance with a view to public interest as a matter urgency,

b) shall determine the principles to be applied by the President of the NJO when appointing a proceeding court in the context of the use of the power to appoint a different proceeding court in the interest of adjudicating cases within a reasonable period of time."

(4) Section 103 (3) of the OACA shall be replaced by the following provision:

"(3) In the area of human resources the NJC

a) shall express a preliminary opinion on persons nominated as President of the NJO and President of the Curia on the basis of a personal interview,

b) shall determine the principles to be applied by the President of the NJO and the President of the Curia when adjudicating the applications in the context of using their power to award a position to the applicant in the second or third position in the rankings,

c) shall have the right of consent in the adjudication of applications where the President of the NJO or the President of the Curia wishes to award a position to the applicant in the second or third position in the rankings,

d) shall exercise the right of consent regarding the appointment of court leaders who did not receive the approval of the reviewing board [Section 132 (6)],

e) shall decide on the approval to the renewal of the appointments of Presidents and Vice Presidents of the regional courts of appeal, tribunals, administrative and labour courts and district courts if the President or the Vice President has already served two terms of office in the same position,

f) shall publish its opinion annually on the practice of the President of the NJO and the President of the Curia with respect to evaluating the applications of judges and court leaders,

g) shall appoint the President and members of the service court,

h) may grant a derogation in the case of a conflict of interest between a court leader and his/her relative adjudicating in an organisational unit under the leadership of the court leader,

i) shall carry out inspection procedures relating to financial disclosure statements of judges,

j) may award, upon initiative of the President of the NJO titles of "honorary/titular tribunal judge", "honorary/titular judge of the regional court of appeal", "honorary/titular judge of the Curia", "councillor of the Curia", the titles of 'chief councillor', 'councillor' in the case of judicial employees, furthermore, based on the initiative of the President of the NJO, it may propose the awarding of decorations, prizes, diplomas or plaque, and may approve the awarding of prizes, plaques, diplomas by others,

k) in the case of resignations of judges, it may approve a notice period shorter than 3 months, and may relieve the judge from his/her work related duties for the notice period in full or in part, and

l) in the case of a judge retiring or reaching the upper age limit he/she shall make a decision concerning the relief of the judge of his/her duties during the notice period in line with the Act on the Legal Status and Remuneration of Judges."

Section 8

Section 104 (1) of the OACA shall be replaced by the following provision:

"(1) The NJC shall determine its budget for each year before the start of the given year, and shall subsequently agree thereon with the President of the NJO. The budget of the NJC shall be allocated separately within the budget of the NJO. The technical conditions necessary for the operation of the NJC shall be provided by the NJO.

Section 9

Section 105 (2) of the OACA shall be replaced by the following provision:

"(2) The meeting of the NJC shall be convened and the proposed items shall be put on the agenda if proposed by at least one-third of the members of the NJC. The plenary meeting of the Curia or the plenary conference of a court of appeal or tribunal may propose any issue falling within the competence of the NJC to be put on the agenda of the NJC and discussed by the NJC."

Section 10

(1) Section 106 of the OACA shall be replaced by the following provision:

"Section 106 (1) The meeting of the NJC shall be open to judges, except when the NJC orders a closed meeting to be held. Meetings of the NJC shall be attended by the President of the NJO , the Minister responsible for justice, the Prosecutor General, the President of the Hungarian Bar Association, the President of the Hungarian Chamber of Notaries Public and the President of the NJC with consultative rights, furthermore by any ad-hoc expert invited by participants with consultation rights, and the representatives of any civil society and other interest groups invited by the President of the NJC. A minute-taker shall participate in NJC meetings.

(2) At the meetings of the NJC, in case he/she is impeded, the Minister responsible for justice shall be substituted by a State Secretary, the President of the NJO shall be substituted by the general Vice President deputy of the NJO, the Prosecutor General shall be substituted by the deputy Prosecutor General, the President of the Hungarian Bar Association shall be substituted by the Vice President, and the President of the Hungarian Chamber of Notaries Public by the Vice President.

(3) The NJC may order a closed meeting, especially if this is indispensable for the purpose of protecting classified information, business secrets or any other secret defined in a specific legal act, furthermore if that is justified for the purpose of protecting the personal rights of the person heard at the meeting. If a closed meeting is ordered, participants with consultation rights may not participate at the meeting, except if the NJC provides otherwise."

(2) Section 107 (1) of the OACA shall be replaced by the following provision:

"(1) Minutes shall be taken of the meeting of the NJC, and a summary shall be prepared of the decisions concerning the broader context of administration of courts and the activities of judges which might draw public interest. The President of the NJC shall ensure that the minutes and the summaries are prepared. The points of the agenda to be included in the summary and the content of the summary shall be decided upon by the NJC at the meeting. The summary shall not contain any agenda items discussed in a closed meeting."

Section 11

Section 132 (4)-(6) of the OACA shall be replaced by the following provisions:

"(4) The person authorised to make the appointment shall make his/her decision by taking into account the proposal of the reviewing board. The person authorised to make the appointment shall not be bound by the recommendation of the reviewing board, however, he/she shall state the detailed reasons in writing of any decision departing from the recommendation.

(5) In the case of a decision departing from the recommendation of the reviewing board, the President of the NJO and the President of the Curia shall inform the NJC of the reasons for the departure in writing, simultaneously with the appointment, and shall expose the reasons at the next meeting of the NJC. The written report submitted by the President of the NJO or the President of the Curia to the NJC and the information provided at the next meeting of the NJC shall not affect the appointment of the court leader, with the exception set out in paragraph (6).

(6) If the President of the NJO or the President of the Curia wishes to appoint a candidate who did not obtain the majority support of the reviewing board, the President of the NJO shall obtain the prior opinion of the NJC on the candidate before making the appointment. The candidate may only be appointed if the NJC has agreed to his/her appointment."

Section 12

Points d) and e) of Section 144 of the OACA shall be replaced by the following provisions, and shall be supplemented with the following point f):

(Duties of the conference:)

"d) to decide on the dismissal of a member of the judicial council,

e) to decide on an initiative to dismiss court leaders appointed by President of the NJO, and

f) to initiate any issue within the scope of competence of the NJC to be put on the agenda of the NJC and be discussed by the NJC."

Section 13

In Section 153 (2) of the OACA, the phrase "the President" shall be replaced by "the President of the judicial council".

Section 14

Sections 70 (4), 76 (4) c) and 76 (5) k), l) and n) of the OACA shall cease to have effect.

2. Amendments to Act CLXII of 2011 on the Legal Status and Remuneration of Judges

Section 15

(1) Section 15 (2) of Act CLXII of 2011 on the Legal Status and Remuneration of Judges (hereinafter: "ALSRJ") shall be replaced by the following provision:

"(2) If there are multiple candidates in the same position in the ranking with the same score, their order shall be determined based on the result of the hearing by the judicial council. If the applicants achieved the same score at the hearing as well, the judicial council shall determine the order on the basis of a written, justified decision adopted by simple majority."

(2) Section 18 (3)-(5) of the ALSRJ shall be replaced by the following provisions:

"(3) The President of the NJO may deviate from the ranking set up by the judicial council in accordance with the provisions set out in Paragraphs (4) and (5), and may propose for appointment as a judge a candidate ranking second or third, and may also adjudicate the application by rearranging the order of the second and third ranking candidates.

(4) If the proposed candidate is not a judge, then the President of the NJO shall send the NJC the applications of the first three candidates by indicating the candidate proposed, accompanied by a proposal in writing containing the reasons for the deviation, in order to obtain its consent. The NJC shall decide on the proposal within 15 days. If the NJC agrees with the proposal of the President of the NJO, the President of the NJO shall submit the candidate for appointment to the President of the Republic within 8 working days. If the NJC does not agree with the proposal of the President of the NJO, the President of the NJO shall submit the first-ranking candidate for appointment to the President of the Republic within 8 working days, if he/or she is not a judge, or if the first-ranking candidate is a judge, transfer him/her within 8 working days, or make a new proposal to the NJC, or declare the application procedure unsuccessful.

(5) If the proposed candidate is a judge, then the President of the NJO shall send the NJC the applications of the first three candidates by indicating the candidate proposed, accompanied by a proposal in writing containing the reasons for the deviation, in order to obtain its consent. The NJC shall decide on the proposal within 15 days. If the NJC agrees with the proposal of the President of the NJO, the President of the NJO shall transfer the judge within 8 working days. If the NJC does not agree with the proposal of the President of the NJO, the President of the NJO shall transfer the first-ranking candidate, if he/she is a judge within 8 working days, or if the first-ranking candidate is not a judge, submit the candidate for appointment to the

President of the Republic within 8 working days, or make a new proposal to the NJC, or declare the application procedure unsuccessful."

Section 16

Section 19 of the ALSRJ shall be replaced by the following provision:

"Section 19 In the case of a call for applications to the Curia, the provisions of Section 18 shall be applied with the exception that the powers of the President of the NJO shall be exercised by the President of the Curia, and if the call for applications is successfully adjudicated, the President of the Curia shall contact the President of the NJO regarding the transfer or appointment recommendation within 8 working days, who shall comply with the request of the President of the Curia within 8 working days."

Section 17

(1) The subtitle preceding Section 21 of the ALSRJ shall be replaced by the following subtitle:

"11. Notification of Candidates and Judicial Review Against the Result of the Call for Applications"

(2) Section 21 of the ALSRJ shall be supplemented with the following Subsections (3)- (6):

"(3) The President of the NJO shall publish his/her decisions on the transfer of judges on the official website of the courts and on the central website, and in the official journal of the courts.

(4) In case of a successful call for applications, applicants that participated in the call and were not rejected pursuant to Section 13 can submit an objection within a 15-day forfeit deadline after the publication of the decision on the appointment of the successful applicant in the Official Journal or after the publication of the decision on the transfer of the successful candidate set out in paragraph (3), if the successful candidate does not meet the requirements for becoming a judge laid down in law, or if the successful candidate does not meet the conditions listed in the call for applications.

(5) The objection shall be submitted in writing to the President of the court affected by the call for applications, and – with the exception of calls for application to the Curia – the President shall forward it to the President of the NJO within 5 working days. The objection shall be addressed to the President of the NJO or, in case of call for applications to the Curia, to the President of the Curia. The President of the NJO or the Curia shall forward the objection within 5 working days to the administrative and labour court with jurisdiction for Budapest that has exclusive jurisdiction to hear the case.

(6) The administrative and labour court shall adjudicate the objection within 15 days in out-of-court proceedings. In the case of the appointment of judges, the administrative and labour court shall review the fulfilment of the conditions related to the appointment of judges on the base of the provisions laid down in Section 4 (1) a), c), d), f) and g), in Section 4 (2) and in Section 5 (1) of this Act. In the case of transfer of judges, the administrative and labour court shall only review the fulfilment of the conditions laid down in the call for applications. If the administrative and labour court finds that the successful candidate cannot become a judge pursuant to the rules regarding the terms and conditions of judicial appointments in this Act, or the successful candidate does not meet the conditions laid down in the call for applications, the decision shall be communicated to the candidate who submitted the objection and – with a view to take the necessary measures – to the adjudicator of the application and the President of the Republic. If the objection is unfunded, the administrative and labour court shall reject it, and communicate the decision to the candidate who submitted the objection, the adjudicator of the application and the President of the court affected by the call for applications.”

Section 18

Section 25 (2) of the ALSRJ shall be replaced by the following provision:

"(2) If the term of the judge's actual judicial work did not reach 18 months, the President of the Republic shall – upon proposal by the President of the NJO, by way of the modification the appointment – extend the appointment of the judge by three years, unless the judge does not wish to maintain his/her service relationship. The submission of the proposal shall be governed by the provisions set out in Section 24 (3). The appointment of the judge can be repeatedly extended until the total actual judicial work reaches the 18 months minimally required for assessment."

Section 19

Section 31 (2)-(3) of the ALSRJ shall be replaced by the following provisions:

"(2) A judge may be reassigned to another service post with a view to ensure an even distribution of caseload between courts or to promote his/her own professional development.

(3) A judge may be assigned without his/her consent to a judicial position at another service post on a temporary basis once every three years, for a maximum duration of one year, with a view to ensuring an even distribution of caseload between courts."

Section 20

(1) Section 34 (2) of the ALSRJ shall be replaced by the following provision:

"(2) If a court ceases to operate or when its competence decreases in a manner that the judicial work of a judge there is no longer possible, the President of the NJO shall – if a position at the Curia is affected, after consultation with the President of the Curia – offer the judge in question the available judicial posts in case of which the applications have not yet been

adjudicated at courts that are at the same level of the judiciary, or on the next inferior or superior level at which the judge has been working. The judge can choose one of the posts offered within 8 working days. If the cease of operation of the court or the decrease of its competence makes it necessary to transfer more than one judge, the judges shall make their choices in decreasing order of age. If no vacant posts to be offered is available, or the judge does not accept any of the posts offered, the President of the NJO shall transfer the judge, with a consideration of his/her fair interests, to a court on the same level of the judiciary or on the next inferior level.

(2) Section 34 of the ALSRJ shall be supplemented with the following paragraph (4):

"(4) If a judge initiates a service dispute regarding his/her transfer as set out in paragraph (2), the administrative and labour court may only review the decision of the President of the NJO with regard to the observance of the legislation governing the way in which the decision shall be made."

Section 21

Section 81 (1) of the ALSRJ shall be supplemented with the following sentence:

"On the request of the judge in question, the President of the court shall provide the judge in question an opportunity to present his/her position regarding the assessment in the form of a personal hearing."

Section 22

Section 84 (2) of the ALSRJ shall be replaced by the following provision:

"(2) The investigating commissioner shall clarify all circumstances necessary for establishing the facts of the case. To this end, the investigating commissioner shall hear the judge subjected to proceedings and the chair of the evaluating court, obtain the opinion of the division head of the competent court of appeal (or court hearing review cases) in relation to the judge's post, or, in the case of a district court judge, the opinion of the chair of the court of appeal, while in the case of an administrative and labour court judge and a judge hearing administrative and labour cases at a tribunal, the opinion of the head of the regional administrative and labour division, and may hear witnesses and may view the judge's evaluation documents. Judges and court employees shall provide the necessary information requested by the commissioner."

Section 23

Section 86 (1) of the ALSRJ shall be replaced by the following provision:

"(1) If a judge is unable to fulfil his/her duties for health related reasons on a long-term basis, the president of the court shall call upon him/her in writing to resign from office within 30 days. The notice shall state the grounds and circumstances which indicate the judge's inaptitude based on health related reasons. At the request of the judge, the grounds of inaptitude based on health related reasons shall be explained at a personal hearing, and an opportunity shall be given for the judge to comment."

Section 24

(1) Section 89 c) of the ALSRJ shall be replaced by the following provision:

(The judicial service relationship shall cease)

"c) through exemption by the President of the Republic."

(2) Section 90 j) of the ALSRJ shall be replaced by the following provision:

(A judge shall be exempted)

"j) if it has been found in the course of a judicial review procedure initiated against the result of the call for applications that the legislative conditions for appointment as a judge had not been fulfilled."

(3) Section 94 (3) of the ALSRJ shall be replaced by the following provision:

"(3) In the event of retirement and the attainment of the upper age limit, the judge's exemption period shall be 6 months. The judge shall be exempted from the performance of work for a period of 3 months. At the request of the judge, the NJO may set out a period of exemption from the performance of work shorter than 3 months, or, at the request of the judge, may decide not to exempt the judge of the performance of work at all."

Section 25

The following Section 104/A shall be added to the ALSRJ, after Section 104:

"Section 104/A (1) The rules of procedure of the service court shall contain rules on the composition of the proceeding chambers and on the distributing cases.

(2) The rules of procedure set by the service court shall be approved by the NJC.

(3) The rules of procedure of the service court shall be published by the NJC on the central website of the courts."

Section 26

Section 106 (3) of the ALSRJ shall be replaced by the following provision, and shall be supplemented with the following paragraph (4):

"(3) The President of the NJO may only institute disciplinary proceedings against court leaders appointed by the President of the NJO and the judges posted at the NJO.

(4) If criminal proceedings have been instituted against a judge, not including proceedings instituted on the basis of a private indictment or substitute private prosecution indictment, disciplinary proceedings shall be instituted."

Section 27

Section 230 of the ALSRJ shall be supplemented with the following paragraph (4):

"(4) The rules on exemption from the performance of work shall be applied mutatis mutandis to judges exempted in accordance with paragraphs (2) and (3)."

Section 28

The following phrases shall be replaced in the ALSRJ:

- a) in Section 26 (3), "cases" by "case",
- b) in the title of Chapter IV, "judges" by "judge",
- c) in Section 42 (3), "the President of the NJO" by "the NJC",
- d) in Section 93 (2), "the President of the NJO" by "the NJC",
- e) in Section 232, "the President of the NJO" by "the NJC".

Section 29

(1) The following passages in the ALSRJ shall cease to have effect:

- a) in Section 3 (3) c), the phrase "for another fixed period or",
 - b) in Section 23 (1), the phrase "and Section 25 (2) and (4)",
 - c) in Section 26 (3) the phrase "and (4)"
 - d) in Section 166 (1), the phrase "and former President",
 - e) in Section 166 (2), the phrase "and former President".
- (2) Sections 25 (4), 76 (1) d) and 78 of the ALSRJ shall cease to have effect.

Section 30

This Act shall enter into force on the day following its promulgation, and it shall cease to have effect on the day following its entry into force.

Section 31

Sections 1–14 and Sections 18–30 of this Act shall qualify as cardinal under Article 25 (7) and Article 26 (1) and (2) of the Fundamental Law.

**Act CLXI of 2011 on
the Organisation and Administration of Courts¹²**

To satisfy the requirements of administering justice efficiently with regard to the principle of rule of law, to fully realize the principle of independency of the judiciary, to ensure the uniformity of passing judgments and to enforce the Fundamental Law of Hungary, the Parliament hereby adopts the following Act in conformity with Articles 25-28 of the Fundamental Law:

**PART ONE
FUNDAMENTAL PRINCIPLES OF THE FUNCTIONING AND ORGANISATION
OF COURTS**

**Chapter I
Principles**

1. General provisions

Section 1

In Hungary, courts shall administer justice and perform other tasks defined by law.

Section 2

(1) Within the framework of proceedings defined by law, courts shall render final decisions on disputed or violated rights, on the conflict of local ordinances with other legislation and their annulment, and on the establishment of a local government's neglect of its statutory legislative obligations.

(2) The courts shall guarantee that the law is upheld during their judicial application of laws.

Section 3

Judges and lay judges are independent, they shall render their decisions based on the law and in accordance with their convictions; they may not be influenced or instructed in relation to their activities in the administration of justice.

Section 4

Courts shall constitute a separate chapter in the Act on the State Budget. Within this chapter, the Curia shall constitute a separate title.

Section 5

The scope of judicial cases to be decided in court proceedings shall be established by law.

¹ The Act was adopted by the Parliament at its session on 28 November 2011.

² The Act contains the amendments of Act CXI. of 2012.

Section 6

Court decisions shall be legally binding for all parties, including cases where the court establishes its jurisdiction or the lack thereof.

Section 7

All persons are equal before the court.

Section 8

(1) Nobody may be withdrawn from his/her legal judge.

(2) The judge ordered by law shall be a judge presiding in the court with the competence and jurisdiction as provided for by procedural rules and designated in accordance with the pre-defined case distribution schedule.

Section 9

(1) The case distribution schedule shall be defined by the President of the court – based on the opinions of the chamber of judges and the colleges – no later than 10 December of the year preceding the year in question. The case distribution schedule may be deviated from for important reasons affecting the operation of the court or in the interests of the court.

(2) If the judge is ordered to preside at the court after the case distribution schedule has been determined, the case distribution schedule shall be amended accordingly.

Section 10

(1) The case distribution schedule contains information on the composition and number of chambers operating at the given court, information on the types of cases administered by judges, chambers – including appointed judges – and court secretaries acting as single judges in cases stipulated by law, the order of substitution, the court leader entitled to distribute the cases, and information on the method of distributing cases. The case distribution schedule shall include the scope of cases administered by presiding court leaders and the manner in which these cases are distributed. The case distribution schedule stipulates which chambers and judges adjudicate in key lawsuits as defined in the Act on Civil Procedure and key cases as defined in Act 19 of 1998 on Criminal Procedure (hereinafter: Be. with the Hungarian abbreviation).

(2) The case distribution schedule of the Curia shall also specify the judges adjudicating as members of the municipal chamber and the panel publishing authoritative rulings, furthermore it shall specify which judges can adjudicate in which chamber of uniformity proceedings.

(3) When establishing the case distribution schedule, the significance and labour intensity of cases shall be considered – with particular regard to lawsuits and key cases – along with statistical data on the receipt of the case, and efforts shall be made to establishing commensurate workloads.

Section 11

(1) The case distribution schedule as well as any amendments and supplements shall be communicated promptly to those concerned, and shall be put on display at the court where it is accessible to the parties; furthermore it shall be published on the central website of courts (hereinafter: central website), and, if applicable, it shall be published on the website of the court concerned.

(2) The case distribution schedule may be deviated from in the cases regulated in procedural regulations, furthermore, through administrative channels for important reasons affecting the operation of the court.

Section 12

(1) Trial by court shall be public – unless an exception is provided for by law.

(2) The court shall announce its decision passed at the trial in public.

(3) The President of the National Judicial Office (hereinafter: NJO), the National Judicial Council (hereinafter: NJC) and court leaders shall be obliged to ensure the public nature of court administration and the relating decision-making in line with this Act.

Section 13

(1) The court shall be obliged to give reasoning for its decision, unless otherwise provided for by law.

(2) Legal remedy may be sought against court decisions, unless an exception is provided for by law.

(3) In accordance with the provisions of this Act, the court decisions defined in this Act shall be available to any person without restriction and free of charge, without having to identify themselves.

Section 14

The execution of court decisions shall be ordered by the court.

Section 15

(1) The court shall proceed as single judge or in chamber. Lay-judges shall also take part in the adjudication of cases and in the manner defined by law. The rights and obligations of lay-judges shall be identical in adjudication with those of professional judges.

(2) Only a professional judge may preside as a single judge or as the head of a chamber. In cases defined by law, court secretaries may also act within the competence of single judges.

Chapter II Organization of the court

2. Common rules

Section 16

In Hungary, justice shall be administered by the following courts:

- a) the Curia,
- b) regional courts of appeal,
- c) tribunals,
- d) district councils and
- e) administrative and labour courts.

Section 17

(1) The establishment, merger, termination and naming of courts as well as the determination of their seat and territorial jurisdiction, furthermore the denomination of courts with military chambers – with the exception in Paragraph (2) – shall be provided for by a separate Act.

(2) If the territorial jurisdiction of courts conforms to the area of public administration, it shall be modified by the President of the Republic in a resolution – based on a recommendation by the President of the National Judicial Office – following changes to public administration borders.

3. District courts, administrative and labour courts

Section 18

(1) District courts shall proceed in the first instance.

(2) District courts shall be led by the President.

(3) District courts shall not be legal entities, however, the President thereof might undertake obligations in accordance with the rules on the management of public finances in a manner stipulated in the internal rules of the tribunal.

(4) Groups may be established at district courts to handle certain types of cases.

Section 19

(1) Administrative and labour courts shall proceed in the first instance

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

(2) Administrative and labour courts shall be led by the President.

(3) Administrative and labour courts shall not be legal entities; however their Presidents can undertake obligations in line with the rules on the management of public finances in a manner stipulated in the internal rules of the tribunal.

(4) Groups may be established at administrative and labour courts to handle certain types of cases.

Section 20

(1) Independent from the activities of colleges and beside them, regional administrative and labour colleges shall operate in a number and with the territorial jurisdiction as defined in a separate legal act.

(2) The regional administrative and labour college shall perform tasks defined by law, its organizational framework shall be ensured by the tribunal designated by law.

(3) If the territorial jurisdiction of the regional administrative and labour college covers one tribunal only, the rules on the regional administrative and labour college shall be applicable to the administrative labour college of the tribunal with respect to college membership and operation; furthermore in this case the administrative and labour college of the tribunal and the head of the college shall also perform the tasks of the regional administrative and labour college and those of the head of the regional college.

4. The tribunal

Section 21

(1) The tribunal shall proceed as the first instance court – in cases defined by law – and review appeals lodged against the decisions of district courts and administrative and labour courts in the second instance.

(2) Tribunals shall be led by the President.

(3) Tribunals shall be legal entities.

(4) Chambers, groups as well as criminal, civil, economic and administrative and labour judicial colleges shall operate at tribunals. Colleges may operate jointly.

(5) Military chambers shall proceed in the cases established by law in the first instance – in the designated tribunals with the territorial jurisdiction as stipulated by law.

5. Regional court of appeal

Section 22

(1) The regional court of appeal shall rule on legal remedies submitted against the decisions of district courts or tribunals – in the cases defined by law – and shall proceed in other cases referred to its jurisdiction.

(2) Regional courts of appeal shall be led by the President.

(3) The regional court of appeal shall be a legal entity.

(4) The regional court shall operate chambers as well as criminal and civil judicial colleges.

(5) In cases adjudicated by the military chamber in the first instance in military criminal proceedings, the military chamber operating at the designated regional court of appeal shall proceed in the second instance.

6. The Curia

Section 23

(1) The Curia shall be the supreme judicial body.

(2) The Curia shall be led by the President.

(3) The Curia shall be a legal entity.

Section 24

(1) The Curia shall

a) rule on the legal remedy submitted against the decision of the tribunal or the regional court of appeal,

b) rule on petitions for review,

c) adopt an obligatory uniformity decision applicable for courts,

d) analyse jurisprudence in cases where a final decision has been adopted, including exploring and examining the jurisprudence of courts,

e) publish court rulings and decisions or authoritative rulings,

f) adopt decisions on the conflict of local ordinances with other legislation and their annulment,

g) adopt decisions on establishing a local government's neglect of its statutory legislative obligation, and

h) proceed in other cases referred to its jurisdiction.

(2) The Curia shall operate judicial, uniformity, municipal, as well as panels publishing authoritative rulings, criminal, civil, administrative-labour colleges, furthermore groups analyzing the jurisprudence of courts.

PART TWO

PROCEEDINGS IN THE INTEREST OF THE PROMOTION OF STANDARD AND TIMELY JUDICIAL LAW APPLICATION AND THE REVIEWING OF LOCAL ORDINANCES

Chapter III

Duties of Courts in the Interest of Maintaining Standard Practices in the Administration of Justice

7. General Provisions

Section 25

As part of the fulfilment of its duties determined in Article 25 Paragraph (3) of the Fundamental Law, the Curia shall make legal standardisation decisions, shall conduct jurisprudence analyses in cases completed on a final and absolute basis and shall publish authoritative court rulings and authoritative court decisions.

Section 26

(1) If the chamber or single judge of a court of appeal, tribunal, administrative and labour court or district court passed a ruling on an authoritative issue and its/his ruling became final and absolute, such ruling of authoritative significance shall be presented to the chair of the court.

(2) The chairs and division heads of courts of appeal and tribunals as well as the chairs of administrative and labour courts and district courts shall continuously monitor the administration of justice by the courts under their supervision, while the heads of regional administrative and labour divisions shall monitor the administration of justice by the courts forming part of the regional division.

(3) If it comes to the attention of the chair of a court or the division head of a court of appeal or tribunal or the head of a regional administrative and labour division on the basis of a decision under Paragraph (1), cases administered by the court, on the occasion of an investigation at the court or in any other way that a decision of authoritative significance was adopted, a contrary practice evolved with respect to a theoretical issue of authoritative significance or final and absolute rulings were passed on contrary theoretical grounds at the court under his management or supervision or at a court forming part of the regional administrative and labour division, he shall inform the chair of the senior court thereof by simultaneously presenting the relevant rulings and any other documents as necessary.

(4) As part of the fulfilment of the obligation under Paragraph (3), in administrative and labour cases, the chair or division head of a tribunal as well as the head of a regional administrative and labour division shall inform the President of the Curia.

(5) Prior to notification under Paragraphs (3) and (4), the chair or division head of a tribunal or court of appeal as well as the head of a regional administrative and labour division may consult the judges of the division concerned and/or the judges of the regional administrative and labour division concerned with a view to the subject-matter of the issue of authoritative significance.

Section 27

(1) In the interest of maintaining standard practices in the administration of justice, division heads and the heads of regional administrative and labour divisions shall monitor the practices of courts, shall express their opinions on law application issues in dispute and shall, at the request of the head of the jurisprudence analysis task force, participate in the analysis of jurisprudence.

(2) If necessary in the interest of standard law application, the head of division of a court of appeal or tribunal shall, based on the motion of the division head of the Curia or the chair of a court of appeal aimed at a law standardisation procedure, propose the publication of an authoritative decision to the President of the Curia or the division head of the Curia.

(3) In the course of the procedure referred to in Paragraph (2), in administrative and labour cases, the division head of a tribunal as well as the head of the regional administrative and labour division shall submit a proposal to the division head of the Curia with respect to a motion aimed at a law standardisation procedure and to the President of the Curia or the division head of the Curia with respect to the publication of an authoritative court decision.

(4) The President of the NJO shall inform the President of the Curia if he or she is of the opinion that a law standardisation procedure is necessary in the interest of a uniform application of the law; the President of the NJO shall not have the right to initiate law standardisation procedure.

Section 28

(1) The Curia shall attend the meetings of the divisions of courts of appeal and tribunals and of regional administrative and labour divisions via its representative.

(2) The court of appeal shall attend the meetings of the tribunal division coming under its territorial jurisdiction via its representative.

(3) The head of a regional administrative and labour division shall attend the meetings of the administrative and labour divisions of tribunals coming under the territorial jurisdiction of the regional administrative and labour division in the capacity of invited guest.

8. Jurisprudence Analysis Task Force

Section 29

(1) It is the duty of the jurisprudence analysis task force to analyse practices in the administration of justice. The topics to be investigated shall be determined by the President of the Curia annually, after due consultation with the divisions of the Curia. The division heads of courts of appeal and tribunals and further the heads of regional administrative and labour divisions, the President of the NJO and the Prosecutor General, too, may table motions with respect to the topics to be investigated (hereinafter collectively referred to as „initiator”).

(2) The head and members of the jurisprudence analysis task force shall be appointed by the President of the Curia for each topic of investigation from among the judges of the Curia, based on the recommendations of the division heads of the Curia. Based on the initiator’s recommendation or if warranted by the topic of investigation, the head of the task force may also involve judges posted at inferior courts and theoretical and practical experts active in the field of the topic of investigation.

Section 30

(1) The jurisprudence analysis task force shall prepare a summary opinion on the result of their investigation. The completed summary report shall be debated by the division of the Curia with competence with a view to the subject-matter thereof and, in the event of their agreement, the findings of the opinion shall be published by the head of the task force on the website of the Curia. Simultaneously, the head of the task force shall also publish the entire summary opinion on the intranet network of courts (hereinafter referred to as „intranet”).

(2) If the relevant conditions exist, based on the summary opinion referred to in Paragraph (1), the division head of the Curia may initiate a law standardisation procedure or may contact the President of the NJO via the President of the Curia in the interest of initiating legislation.

(3) The jurisprudence analysis task force and court leaders shall cooperate in the course of the investigation.

(4) The procedural rules relating to the proceedings of the jurisprudence analysis task force shall be established in the Curia's procedural rules; the relevant provisions shall be published on the website of the Curia.

9. Authoritative Court Rulings and Authoritative Court Decisions

Section 31

(1) An authoritative publication council comprised of experts on criminal law, civil law, business law, labour law and administrative law shall operate at the Curia for the selection and publication of authoritative court rulings and authoritative court decisions. The authoritative publication council shall consist of a chair and 4 further members.

(2) If the Curia's jurisprudence council passed a ruling concerning wide strata of society or a ruling of particular significance from the viewpoint of public interests that also extends to theoretical issues, the chair of the council shall, without delay after the ruling has been committed to writing, notify the division head with competence with a view to the field concerned. The division head shall present the ruling to the authoritative publication council which shall decide, if warranted by the circumstances, on the publication thereof as an authoritative court ruling.

(3) If it comes to the attention of the President or division head of the Curia on the basis of the notification under Section 26 (3) and (4) or the proposal under Section 27 (2) and (3) or in any other way that an inferior court passed a ruling satisfying the criteria cited in Paragraph (2) and the conditions do not exist for the institution of a law standardisation procedure or the publication of an authoritative court ruling, he shall present the ruling to the Curia's authoritative publication council with competence with a view to the field concerned which shall decide on the publication thereof as an authoritative court decision.

10. Law Standardisation Motion

Section 32

(1) A law standardisation procedure shall be instituted if

a) it is necessary to adopt a law standardisation decision or to alter or to repeal a previously adopted law standardisation decision in the interest of the further development of jurisprudence or the maintenance of standard practices in the administration of justice, or

b) a justice administration chamber of the Curia wishes to depart from the ruling of another justice administration chamber of the Curia published as an authoritative court ruling or from a published authoritative court decision on a legal issue.

(2) In the case mentioned in Paragraph (1), Point b), the chamber of the Curia shall suspend its proceedings until the adoption of a law standardisation decision, subject to the initiation of a law standardisation procedure.

Section 33

- (1) A law standardisation procedure shall be conducted if initiated by
- a) the President or division head of the Curia or their deputies or the chair of a court of appeal,
 - b) by a chamber chair of the Curia in the case mentioned in Section 32 Paragraph (1), Point b), or
 - c) the Prosecutor General.

(2) In a motion aimed at the adoption of a law standardisation decision, the initiator shall state on what issues and for what reasons he seeks the adoption of a decision by the law standardisation council, while in the case mentioned in Section 32 (1), Point b), a recommendation shall be made for the proposed resolution of the legal issue in question. Official copies of the court rulings covered by the motion shall be enclosed with the motion.

11. Law Standardisation Council

Section 34

(1) At the Curia, criminal, combined civil and business and combined administrative and labour law standardisation councils shall operate (hereinafter referred to as „law standardisation council“). The law standardisation council shall be headed by the President, Vice-President, division head or deputy division head of the Curia. The law standardisation council shall be comprised of a chair and 4 further members, and the members shall be selected by the chair of the law standardisation council.

(2) If a decision to be adopted in a law standardisation council concerns the fields of multiple law standardisation councils, the chair of the law standardisation council shall appoint the law standardisation council from among judges proceeding in the fields concerned. This law standardisation council shall be comprised of a chair and 6 further members and shall be chaired by the President or Vice-President of the Curia.

(3) Except as set forth in Paragraph (4), the presenter of the law standardisation motion may not be the chair of the law standardisation council and further, in the case under Section 32 (1), Point b), the members of the law standardisation council shall be selected in such a way that the members of the chamber which wishes to depart from the ruling of another chamber of administration of justice of the Curia published as an authoritative court ruling or from a published authoritative court decision or the members of the authoritative publication council which decided on the publication of the authoritative court ruling or authoritative court decision may not be in a majority.

(4) The law standardisation council shall be the entire division of the Curia if the purpose of the law standardisation procedure is

- a) to alter or to repeal a previously adopted law standardisation decision or
- b) to resolve a theoretical issue of authoritative significance in the interest of the development of jurisprudence.

(5) The law standardisation council under Paragraph (4) shall be chaired by the President or Vice-President of the Curia.

Section 35

In the case referred to in Section 34 (1) and (2), the law standardisation council shall have a quorum in the presence of all members and shall adopt its decisions with a simple majority. The law standardisation council under Section 34 (4) shall have a quorum if its meeting is attended by more than two thirds of its members; the decision of the law standardisation council shall be subject to the votes of two thirds of the attending members.

12. Law Standardisation Procedure

Section 36

(1) Law standardisation procedures shall be prepared by the chair of the law standardisation council, for the purposes of which he may appoint one or two presenting judges from the law standardisation council and may obtain opinions on the motion.

(2) Unless it was submitted by the Prosecutor General, the motion aimed at the adoption of a law standardisation decision, together with an official copy of the court ruling covered by the law standardisation motion, shall be sent by the chair of the law standardisation council to the Prosecutor General. The Prosecutor General shall, within fifteen days of the delivery of the motion, send his declaration in response to the law standardisation motion to the Curia.

Section 37

(1) Based on the motion, the chair of the law standardisation council shall schedule the date of the meeting of which he shall notify the members of the law standardisation council and those entitled to attend on the basis of the rules of law. The meeting of the law standardisation council is not public and may be attended, in addition to the members of the law standardisation council, by the Prosecutor General and guests invited on a case-to-case basis. The initiator or the members of the law standardisation procedure may nominate guests to be invited on a case-to-case basis and the chair of the law standardisation council shall decide on the invitation of such guests.

(2) If unable to attend, the Prosecutor General shall be deputised at the meeting of the law standardisation council by the prosecutor appointed by him.

Section 38

(1) The meeting shall be chaired by the chair of the law standardisation council. After the opening of the meeting, the chair of the law standardisation council or the presenting judge shall summarise the law standardisation motion or the essence of the authoritative issue to be assessed. All attendees may speak out at the meeting and the initiator may alter or revoke his motion until the adoption of the law standardisation decision.

(2) After the contributions, the chair of the law standardisation council shall adjourn the meeting. Following this, the law standardisation council shall adopt its decision, after a debate, by casting votes; in addition to the chair and members of the law standardisation council, only the keeper of the minutes may attend the vote.

(3) The chair of the law standardisation council may for important reasons postpone the meeting.

Section 39

(1) The chair of the council shall refuse a motion originating from a person not authorised to submit a motion without the assessment thereof on its merits.

(2) The council shall terminate the law standardisation procedure without assessment in the event of the revocation of the motion if the circumstances referred to in Section 32 (1) do not exist.

Section 40

(1) Except as set forth in Section 39, based on the motion, the law standardisation council shall adopt a law standardisation decision or a ruling dispensing with the adoption of a decision. The chair of the law standardisation council shall send the decision or ruling to the presenter of the motion and, if the presenter was not the Prosecutor General, to the Prosecutor General within 15 days of the meeting of the law standardisation council.

(2) The operative part of a decision granting a law standardisation motion shall contain guidance on the authoritative issue serving as the subject-matter of or closely related to the law standardisation procedure.

(3) The law standardisation council shall not grant the motion and shall dispense with the adoption of a law standardisation decision if there is no need for the adoption of a law standardisation decision.

(4) The reasoning of the law standardisation decision and the ruling dispensing with the adoption of a decision shall state the presenter of the law standardisation motion, the subject-matter of the motion and the court rulings covered or affected. It shall state any contrary opinions on the authoritative issue to be assessed and if necessary, the essence of the facts of the case established in the court rulings covered or affected by the motion, and shall, in the case of a granting decision, render an account of the reasons for the guidance provided in the operative part and, in the case of the reasoning of a ruling dispensing with the adoption of a decision, of the reasons for refusal.

Section 41

Unless stipulated otherwise in a rule of law, law standardisation decisions shall not extend in their effect to the parties and the accused.

13. Publication of Law Standardisation Decisions, Authoritative Court Rulings and Authoritative Court Decisions

Section 42

(1) Law standardisation decisions shall be published in Magyar Közlöny [Hungarian Gazette] as well as on the central website and the website of the Curia. Authoritative court rulings and authoritative court decisions selected by the authoritative publication council shall be published on the central website and the website of the Curia. Law standardisation decisions shall be binding on courts as of the date of publication in Magyar Közlöny.

(2) If deemed necessary, the Curia may also provide for the publication in any other way of the law standardisation decision, the authoritative court ruling or the authoritative court decision.

(3) If the law standardisation council repeals a law standardisation decision, the repeal decision shall be published in Magyar Közlöny. The law standardisation decision may not be applied as of the date of the publication of the decision on its repeal.

(4) If the law standardisation council repeals a law standardisation decision or terminates the maintenance of a ruling as an authoritative court ruling or authoritative court decision by virtue of its law standardisation decision adopted on the basis of a law standardisation procedure instituted under Section 32 (1), Point b), notification thereof shall be provided in the Compilation of Court Rulings, on the central website and on the website of the Curia.

Section 43

In matters not regulated in the present Chapter, a rule of law may establish further rules with respect to law standardisation procedures.

Section 44

The administrative provisions relating to law standardisation procedures shall be established in the administrative rules of the Curia; these provisions shall be published on the website of the Curia.

Chapter IV

Municipal Chamber of the Curia, Proceedings Aimed at the Reviewing of Local Ordinances and Omissions Related to the Statutory Legislative Obligations of Local Municipalities

14. Municipal Chamber of the Curia

Section 45

(1) A municipal chamber shall operate at the Curia for the assessment of the cases referred to in Article 25 Paragraph (2), Points c) and d) and Article 32 Paragraph (4) and (5) of the Fundamental Law.

(2) The municipality chamber shall consist of three judge members.

(3) It is the duty of the municipal chamber to conduct non-litigious proceedings aimed at the reviewing of unlawful local ordinances and non-litigious proceedings instituted due to omissions related to the statutory legislative obligations of local municipalities.

15. Non-Litigious Proceedings Aimed at the Reviewing of Local Ordinances

Section 46

The proceedings of the municipal chamber shall be duly governed by the provisions of the Act on Civil Proceedings relating to the language of the proceedings, the use of the

mother tongue, the exercise of rights according to their designated purpose (without the imposition of a monetary fine), the disqualification of judges, summoning, service, the calculation of time limits, minutes, the viewing of documents, copies and the adoption of decisions.

Section 47

In non-litigious proceedings aimed at the reviewing of an unlawful local ordinance, the metropolitan and county government bureaus and local municipalities shall enjoy full exemption from the payment of costs.

Section 48

(1) Non-litigious proceedings aimed at the reviewing of local ordinances may be initiated against a local municipality by the metropolitan or county government bureau exercising the powers of supervision in respect of the local municipality on the basis of a motion satisfying the criteria and within the time limit determined in the Act on local municipalities.

(2) Legal representation is mandatory in proceedings before the municipal chamber. An attorney or law firm proceeding on behalf of the local municipality, an employee with the bar examination of the metropolitan or county government bureau as well as the notary or an employee with the bar examination of the local municipality shall be regarded as legal counsel for the purposes of representation. No trainee lawyer may proceed as legal counsel on behalf of an attorney or law firm.

(3) If a judge is required to apply a provision of a local ordinance in the course of the assessment of an individual case before him that he finds is contrary to another legal rule, in addition to the suspension of the court proceedings, he shall initiate non-litigious proceedings aimed at the reviewing of the local ordinance against the local municipality.

(4) The motion under Paragraph (3) shall contain

- a) the local ordinance to be assessed by the municipal chamber,
- b) the provision of the local ordinance found to be unlawful,
- c) the statutory provision which the provision of the local ordinance is contrary

to,

- d) the reason why the judge finds the given provision unlawful.

(5) For the purpose of combined assessment, the municipal chamber shall order the merger of pending proceedings before it if the subject-matters of the motions are related.

Section 49

The municipal chamber shall decide on the merit of the motion in a decision and on all other issues emerging in the course of the proceedings, including the termination of the proceedings, in a ruling. No appeal shall lie against the decision or ruling.

Section 50

(1) The decision and ruling committed to writing shall contain:

- a) designation of municipal chamber and case number,

- b) names, head offices or addresses of parties and their counsels,
- c) subject-matter of proceedings,
- d) operative part and, as set forth in Paragraphs (2) and (3), reasoning, and
- e) place and date of the adoption of the decision or ruling.

(2) Decisions, rulings of refusal without in-merit assessment and rulings terminating the proceedings shall be justified as set forth in Paragraph (3), while other rulings shall be justified to the extent necessary.

(3) The reasoning of a decision or ruling shall state the facts of the case established by the municipal chamber, reference to the legal rules which the decision of the municipal chamber is based on and the circumstances in detail leading to the decision of the municipal chamber.

(4) The decisions and rulings adopted by the municipal chamber shall be signed by the chair and members of the chamber; if any of them is for any reason prevented from signing, this and the impediment concerned shall be stated in the decision.

Section 51

(1) The municipal chamber shall, within 15 days of the receipt of the motion, refuse a motion without the assessment thereof on its merits if

- a) it was not submitted by the metropolitan or county government bureau authorised thereto or the judge proceeding in the individual case,
- b) it is submitted by the metropolitan or county government bureau beyond the time limit prescribed in the Act on local municipalities,
- c) it is submitted by the metropolitan or county government bureau contrary to the provisions of the Act on local municipalities or by the judge proceeding in the individual case contrary to the provisions of the present Act, or
- d) the provision of the local ordinance contested by the motion ceased to have effect.

(2) The municipal chamber shall terminate the proceedings if

- a) the party submitting the motion revoked the motion or
- b) the motion should have been refused without the assessment thereof on its merits on the basis of Paragraph (1).

(3) The municipal chamber shall serve the ruling refusing the motion without the assessment thereof on its merits on the party submitting the motion and the ruling terminating the proceedings on the party submitting the motion and the local municipality by way of delivery.

Section 52

The municipal chamber shall send the motion to the local municipality for the purpose of obtaining its position on the motion by setting a deadline of 30 days.

Section 53

(1) The municipal chamber shall decide on the basis of the available documents and after the hearing in person of the legal counsels and other persons with expertise relevant to the assessment of the motion as necessary.

(2) The personal hearing shall be attended by the persons summonsed by the chair of the municipal chamber from among the persons determined in Paragraph (1) and may be attended by other invited persons notified by the chair of the municipal chamber. The personal hearing shall be conducted by the chair of the municipal chamber.

(3) For the purposes of summonsed persons with expertise relevant to the assessment of the motion, the rules of the Act on Civil Proceedings relating to the remuneration of witnesses shall duly govern.

Section 54

The municipal chamber shall adopt its decision by majority within 90 days of the receipt of the motion. In the event of a personal hearing, the time limit available for the proceedings shall be extended by 30 days.

Section 55

(1) The municipal chamber shall be tied to the motion but may also investigate other provisions of the local ordinance closely related to the provision cited in the motion.

(2) If the municipal chamber establishes that the local ordinance or a provision thereof is contrary to another legal rule, the municipal chamber shall

a) quash the local ordinance or its provision or shall pronounce that a promulgated local ordinance that has not yet entered into force or a provision thereof shall not enter into force,

b) order the publication of the decision in Magyar Közlöny and

c) order, by setting a deadline, that the decision shall be published, subsequent to the publication thereof in Magyar Közlöny, in the manner in which the local ordinance was promulgated.

(3) If the conditions set forth in Paragraph (2) do not exist, the municipal chamber shall refuse the motion.

(4) The decision of the municipal chamber shall be binding on all.

Section 56

(1) The municipal chamber shall serve the decision on the party submitting the motion, the metropolitan or county government bureau and the local municipality by delivery, and the chair of the municipal chamber shall provide for the publication of the decision on the central website and on the website of the Curia.

(2) The quashed local ordinance or its provision shall cease to have effect on the day following the publication of the decision in Magyar Közlöny.

(3) The municipal chamber may also establish the loss of force of the local ordinance or its provision in departure from Paragraph (2) if it is warranted by legal security or the particularly important interests of those coming under the effect of the ordinance.

(4) Except as set forth in Paragraph (5), the quashing of a local ordinance shall not affect legal relationships entered into prior to the loss of force or the rights and obligations arising therefrom.

(5) If the municipal chamber quashes the provision of a local ordinance applicable in a case in progress before a court based on the judge's initiative, the quashed provision of the local ordinance shall not be applicable in the individual case in progress before the court or in any other individual cases in progress before any court at the time of the quashing thereof.

16. Non-Litigious Proceedings Due to Omissions Related to the Statutory Legislative Obligations of Local Municipalities

Section 57

Non-litigious proceedings instituted due to omissions related to the statutory legislative obligations of local municipalities shall be governed by the rules relating to non-litigious proceedings aimed at the reviewing of unlawful local ordinances subject to the differences set forth under the present sub-title.

Section 58

If a local municipality duly fulfils its statutory legislative obligation in the course of the proceedings of the municipal chamber, the municipal chamber shall terminate the proceedings. Prior to the termination of the proceedings, the municipal chamber shall obtain the position of the metropolitan or county government bureau within the deadline set.

Section 59

If the municipal chamber establishes that the local municipality failed to meet its statutory legislative obligation, the municipal chamber shall order the local municipality to meet its legislative obligation within the deadline set.

Section 60

If, based on the initiative of the metropolitan or county government bureau, the municipal chamber establishes that the local municipality failed to meet its legislative obligation determined in Section 59 within the deadline set, the municipal chamber shall order the head of the metropolitan or county government bureau in its decision to create the local ordinance necessary for remedying the omission on behalf of the local municipality within the deadline set. After the issuance of such an order, the local municipality may not remedy its omission related to its legislative obligation.

Section 61

The decision shall be binding on the metropolitan or county government bureau and on the local municipality.

Chapter V Appointment of Proceeding Court in the Interest of the Assessment of Cases Within a Reasonable Time

17. Condition of Appointment of Proceeding Court and Motion of Appointment

Section 62

(1) The President of the NJO, taking into account the principles laid down by the NJC may, as an exception, appoint a court with the same competence for the assessment of a case instead of the competent court if the case or a specific group of cases received by the court during a given period cannot otherwise be assessed within a reasonable time due to the extraordinary and is proportionate workload of the court and if the appointment does not result in a disproportionate burden for the appointed court.

(2) A motion of appointment may be presented by the chair of the court of appeal or tribunal or the Prosecutor General to the President of the NJO within 15 days of the receipt of the case.

(3) The motion of appointment shall state the reasons why the case affected by the appointment or a specified group of cases received by the court during the period referred to in Paragraph (1) cannot be assessed within a reasonable time and shall further contain a list of the case, personnel and other data which serve to verify the extraordinary and disproportionate work load of the court.

(4) The court initiating the appointment of a different court shall inform the parties involved in the proceeding through a notice sent by postal service and, simultaneously, by posting a notice on the notice board. The notice shall contain information on the judicial review against the appointment of a different court.

18. Appointment of Proceeding Court

Section 63

(1) The President of the NJO shall, within 8 days of the receipt of the motion, investigate whether, with regard to the case, personnel and other data and the specific features of the case affected by the appointment, the motion is well-founded and further which court may be appointed for the proceedings. The President of the NJO shall consult the appointee court and, in criminal cases, the Prosecutor General if the motion was not tabled by the Prosecutor General, and may request data or opinions from any court; any such request shall be met without delay.

(2) The President of the NJO shall decide on the refusal of the motion if it is not well-founded or shall decide on the appointment of another court if the motion is well-founded within 8 days of the receipt of the opinions and data referred to in Paragraph (1). In his/her decision, the President of the NJO shall present the application of the principles laid down by the NJC.

(3) Parties affected by the appointment of a proceeding court shall have the right to lodge an appeal against the decision on the appointment of the proceeding court within 8 days of its publication on the official website of the courts and on the central website. The failure to meet this deadline may not be excused by the submission of a justification. The appeal shall be submitted to the President of the NJO in writing, the number of copies shall exceed by one the number of parties involved in the proceeding.

(4) Appeals submitted in accordance with the provisions in (3) shall be adjudicated by the Curia within 8 working days in out-of-court proceeding. Appeals submitted after the expiry of the deadline shall be rejected by the Curia without assessing their merits. The Curia

can only revise the discretionary decision of the President of the NJO to the extent that the President of the NJO has breached the legal provisions applicable to the making of the decision.

(5) If the Curia determines during the review that the decision of the President of the NJO on the appointment of the proceeding court is in conformity with the rules on the appointment of proceeding courts set out in this Act, the Curia shall uphold the decision. If the decision is not in conformity with the rules on the appointment of proceeding courts set out in this Act, the Curia shall repeal the decision. The Curia may not modify the decision on the appointment of the proceeding court.

(6) The decision of the Curia shall be delivered to the parties through the President of the NJO and at the same time it shall be published on the official website of the courts and on the central website. If the Curia confirms the decision on the appointment of the proceeding court, the President of the NJO shall without delay inform the appointed court and, if the appointment affects a criminal case, the Prosecutor General. The delivery of the decision of the Curia to the parties or the unsuccessful delivery shall not affect the appointment of the proceeding court.

Section 64

No new appointment as discussed in the present Chapter shall be made in the case affected by the appointment, with the exception laid out in Section 63 (3)-(6).

PART THREE CENTRAL ADMINISTRATION OF COURTS

Chapter VI

President and Vice-President of the National Judicial Office, and the National Judicial Office

19. The President of the National Judicial Office

Section 65

Observing the constitutional principle of judicial independence the President of the NJO shall fulfil the central duties of court administration and the management duties with respect to the chapter on courts in the Act on the State Budget, and shall supervise the administrative activities of the presidents of regional courts of appeal and tribunals.

20. Election of the President of the NJO

Section 66

The President of the NJO shall be elected by Parliament from among judges appointed for an indefinite period of time and having at least 5 years of judicial service. The President shall be elected for 9 years with two-thirds of the votes.

Section 67

(1) The President of the Republic shall nominate a person for the position of the President of the NJO within 3 months prior to the expiry of the term of office of the previous President, but no later than the forty-fifth day prior to this date.

(2) If the term of office of the President of the NJO has expired for any of the reasons listed under Section 70 (1) b)–i), the President of the Republic shall nominate a person for the position of the President of the NJO within 30 days.

(3) The nominee shall be heard by the Parliamentary committee dealing with justice affairs. Any nominee re-nominated by the President of the Republic after an unsuccessful election shall not have to be heard again.

(4) The election shall be held within 15 days of the nomination date. Should Parliament fail to elect the nominated person, the President of the Republic shall put forward a new nomination within no later than 30 days.

21. Legal status of the President of the NJO

Section 68

(1) Any person,

- a) who is a member of the National Judicial Council,
- b) against whom disciplinary or criminal proceedings are pending, except for proceedings launched on private actions and by substitute private prosecutors,
- c) who is subject to a disciplinary penalty,
- d) against whom a procedure is pending to declare him/her unsuitable,
- e) whose judicial service is temporarily suspended pursuant to a legal act, or
- f) who is a relative of a member of the NJC or a court leader falling under the appointment authority of the President of the NJO as defined in the Act on Civil Procedure shall not be appointed President of the NJO.

(2) The President of the NJO shall take office on the day following the expiry of the assignment of his/her predecessor or if he/she was elected after the expiry of the term of office of his/her predecessor, then on the day of his/her election.

Section 69

(1) Rules and regulations pertaining to judges shall be duly applicable to the President of the NJO, unless otherwise provided for by law.

(2) Provisions in Paragraph (1) shall be applicable if the judicial service of the President of the NJO ceases to exist without prejudice to his/her position as President.

22. Termination of the office of President of the NJO

Section 70

(1) The office of the President of the NJO shall be terminated:

- a) upon the expiry of the term of office,
- b) upon the death of the President,
- c) upon him/her being placed under conservatorship precluding or limiting his/her competency,

d) upon him/her being elected as member of Parliament, member of the European Parliament, member of the local government or mayor, furthermore upon his/her election or appointment as a state leader,

e) by a non-appealable court decision imposing a prison sentence or community work for committing a criminal act, or a decision barring him/her from exercising his/her civic rights, furthermore by the handing down of a final decision on his/her forced medical treatment,

f) upon resignation,

g) upon the establishment of conflicts of interest,

h) upon relief of office, or

i) upon removal from office.

(2) The termination of the office of the President of the NJO shall be established by the Speaker of the House in the cases listed in Paragraph (1) a)–f). In the cases listed under Paragraph (1) g)–i) the termination shall be decided by Parliament with a two-thirds majority.

(3) The Speaker of the House shall inform the President of the Republic about the termination of the office of the President of the NJO within 8 days of the decision.

~~(4) If the termination of the office of the President of the NJO is based on Paragraph (1) a) and Parliament did not elect a new President before the termination of office, the President of the NJO shall exercise presidential powers until the new President of the NJO has been elected.~~

Section 71

(1) The President of the NJO may relinquish his/her position at any time without justification in a declaration addressed to the Speaker of the House through the President of the Republic. No statement of acceptance shall be required for the resignation to be considered valid.

(2) The notice period for resignation is 6 months; parties may agree upon a shorter period of time. The notice period shall commence on the day when the legal declaration on resignation is delivered to the Speaker of the House.

Section 72

(1) Should the President of the NJO fail to terminate the cause of a conflict of interest within 30 days of his/her election, or should a reason for a conflict of interest emerge vis-à-vis the President in the course of performing his/her duties, Parliament shall adopt a decision on declaring a conflict of interest within 30 days of receiving the written motion from the President of the Republic, and requesting the opinion of the competent committee.

(2) If the President of the NJO terminates the cause of the conflict of interest during the conflict of interest procedure, it shall not be necessary to establish a conflict of interest.

(3) The President of the NJO shall not exercise his/her powers until the cause of the conflict of interest has been terminated.

Section 73

The President shall be relieved of his/her office if he/she is not able to perform his/her duties for longer than 90 days due to reasons beyond his/her control. The relief of office may be initiated by the President of the Republic.

Section 74

(1) The President shall be removed from office if he/she is not able to perform his/her duties for longer than 90 days for reasons falling under his/her control, furthermore, if due to some action, conduct or omission he/she has become unworthy of his/her position. Removal from office may be initiated by the President of the Republic, or the National Judicial Council with a two-thirds majority of votes of its members. The motion shall be addressed to the Parliament.

(2) Removal from office can be initiated by those entitled to put forward a motion in line with Paragraph (1) after examining the underlying reason – including a detailed justification and attaching supporting documents. The motion shall be examined by the Parliamentary committee dealing with justice affairs, who shall make a proposal addressed to Parliament concerning the content of the decision.

Section 75

(1) If the term of office of the President of the NJO is terminated upon the expiry of the fixed period and the President's judicial service was not terminated beforehand, he/she shall be appointed to a court at least equivalent with the court he/she used to work for before his/her term as a President, or if he/she was a judge at a district court or the administrative and labour court, he/she shall be appointed as head of chamber at a tribunal without a call for the submission of applications.

(2) If the term of office of the President of the NJO is terminated before the expiry of the fixed period and his/her judicial service was not terminated, he/she shall be appointed without a call for the submission of applications, preferably to his/her previous court and in a position which is at least equivalent to the previous one.

23. Duties of the President of the NJO

Section 76

- (1) In his/her general central administrative position the President of the NJO shall
- a) draw up and annually update the programme containing the long-term tasks of the administration of courts and the conditions thereof,
 - b) draw up in line with legal provisions – as normative instructions – all the mandatory rules and regulations applicable to courts, furthermore he/she shall adopt recommendations and decisions in order to perform his/her administrative tasks,
 - c) represent courts,
 - d) make proposals on legislation concerning courts to the bodies that have the right to initiate legislation concerning courts,
 - e) express his/her opinion on draft legislation concerning courts – with the exception of municipal decrees – having collected and processed the opinions of courts through the NJO,
 - f) participate in the sessions of the parliamentary committees as an observer when legislative proposals directly concerning courts are on the agenda.

(2) In his/her role of managing the NJO the President of the NJO shall

- a) manage the activities of the NJO,
- b) establish the rules of organisation and operation of the NJO, and
- c) make proposals concerning the appointment and relief of the Vice-President of the NJO.

(3) In his/her role concerning the budgets of courts the President of the NJO shall

a) draw up – after having consulted on the Chapter of the Act on the State Budget on the courts with the President of the NJC with respect to the NJC and the President of the Curia with respect to the Curia, and by communicating their opinions – his/her proposal concerning the budget of courts and the report on the implementation of the budget which the Government shall put forward to the Parliament as part of the Act on the State Budget and its implementing provisions without amendment,

b) he/she shall participate as an invited guest at the meeting of the Budget Committee of Parliament and the Government when discussing the Act on the State Budget and on implementing regulations concerning the chapter on the budget of courts,

c) carry out the duties of the head of the organisation managing the chapter with respect to the chapter on the courts in the Act on the State Budget with the proviso that during the year he/she may re-distribute the appropriations for the Curia towards budgetary organisations included in the chapter with the consent of the President of the Curia, with the exception of re-allocations necessitated by changes in the headcount of budgetary organisations,

d) exercise tasks relating to the financial management of the chapter on courts,

e) manage the internal audit of courts,

f) determine the annual budget for fringe benefits in collaboration with interest organisations, and

g) determine the detailed conditions and levels of other benefits in collaboration with interest organisations.

(4) In his/her role regarding statistical data collection, case distribution and the measuring of workloads the President of the NJO shall

a) determine the necessary number of judges with respect to administrative and labour courts, district courts functioning in the territorial jurisdiction of tribunals, which is based on the headcount included in the chapter on the courts' budget in the Act on the State Budget and on the indicators of the average workload of court and out-of-court proceedings,

b) taking into consideration the principles laid down by the NJC, designate another court to proceed instead of the presiding court if so necessitated by the objective of adjudicating cases within a reasonable period of time,

~~e) in especially justified cases, order the adjudication of cases concerning a broad spectrum of society or cases of outstanding importance with a view to public interest as a matter urgency;~~

d) decide on the collection of judicial statistical data and on central duties concerning data processing, as well as

e) define and if necessary revise annually the data sheets and methodology to measure judges' workloads; he/she shall, at least once a year, review workloads and changes in national data concerning the management of cases and shall define the average national workload of court and out-of-court proceedings with respect to every judicial tier and stage of cases.

(5) In his/her role regarding matters of human resources, the President of the NJO shall

- a) publish vacancies for judges,
- b) put forward a proposal to the President of the Republic concerning the appointment and relief of judges,
- c) post judges – following their first appointment to the court – according to the winning application and in line with the Act on the Legal Status and Remuneration of Judges,
- d) appoint military judges into the military chamber and upon the termination of their professional service with the Hungarian Army shall put them into another judicial post,
- e) designate, in line with the Act on the Legal Status and Remuneration of Judges, the judges adjudicating cases defined in Section 17 (5) and (6) and in Section 448 (2) of the Act on Criminal Procedure, furthermore upon the recommendation of the President of the tribunal he/she shall designate the judges presiding in administrative and labour cases at the tribunals,
- f) may post judges to the Curia, to the NJO, to the Ministry led by the Minister responsible for justice affairs, and shall decide upon the termination of the appointment and re-appointment of the judge to an actual judicial position,
- g) adopt a decision on the transfer of the judge,
- h) adopt a decision on the posting of the judge to another venue of service, if the posting does not take place between the tribunal and the administrative and labour court operating in its territorial jurisdiction or between the district court or district courts operating in the territorial jurisdiction of the tribunal or between the administrative and labour courts operating in the territorial jurisdiction of the tribunal and the district courts,
- i) take a decision concerning the long-term foreign secondments of judges,
- j) decide whether or not the territorial jurisdiction of the court has diminished to a degree which make the further employment of the judge there impossible,
- ~~k) in the case of resignations of judges, he/she may agree to a notice period shorter than 3 months, and/or may relieve the judge of his/her duties for the notice period in full or in part,~~
- ~~l) in the case of a judge retiring or reaching the upper age limit he/she shall make a decision concerning the relief of the judge of his/her duties during the notice period in line with the Act on the Legal Status and Remuneration of Judges,~~
- ~~m) appoint and relieve the court leaders defined by law,~~
- ~~n) may grant a derogation in the case of a conflict of interest between a court leader and his/her relative adjudicating in an organisational unit under the leadership of the court leader, and~~
- o) establish the number of lay-judges to be elected by the electing body to individual courts, taking into account the ratio of voters in the minority register, and the number of citizens with suffrage in the concerned settlements in a way that at least one lay-judge shall be elected by each minority local government.

(6) In his/her role concerning the administration of courts, the President of the NJO

- a) shall approve the rules of organisation and operation of regional courts of appeal and tribunals,
- b) shall manage and control – with the exception of Presidents of district, administrative and labour courts – the administrative activities of court Presidents, in the course of which he/she shall monitor the observance of rules on the administration of courts, the observance of procedural deadlines and procedural rules,
- c) shall inspect court leaders under his/her appointment authority, and

d) depending on the conclusions of the inspection according to Points b) and c) shall take the necessary measures and control the implementation thereof, he/she may suggest that disciplinary proceedings be initiated.

(7) In his/her role regarding training the President of the NJO

a) shall decide upon central training tasks and shall monitor the implementation thereof, furthermore, shall determine regional training duties, and

b) shall draw up the rules of the training system of courts and rules on meeting the training obligations.

(8) In his/her role regarding information the President of the NJO

a) shall inform the NJC about his/her activities every six months,

b) shall inform the Presidents of the Curia, regional courts of appeal and tribunals of his/her activities on an annual basis,

c) shall annually report to the Parliament on the general situation of courts and the administrative activities of courts, and once in between annual reports to the Parliamentary Committee of the Judiciary,

d) shall be responsible for publishing the Compilation of Court Rulings,

e) at the request of the Minister responsible for Justice shall order the collection of data in court for the purpose of preparing legislative acts, furthermore for the purpose of examining the enforcement of laws, and

f) shall provide information at the request of the Minister responsible for Justice – requesting the opinions of courts, if necessary – in questions necessary for legislative activities concerning the organisation and administration of courts, furthermore in questions relating to the application of law by courts.

(9) In his/her other roles the President of the NJO

a) shall carry out duties regarding financial disclosure statements of Presidents of regional courts of appeal and tribunals,

b) shall initiate with the NJO the awarding of the following titles “honorary/titular tribunal judge”, “honorary/titular judge of the regional court of appeal”, “honorary/titular judge of the Curia”, “councillor of the Curia”, furthermore the awarding of titles ‘chief councillor’, ‘councillor’ to judicial employees and the awarding of decorations, prizes, diplomas or plaques,

c) shall ensure that interest organisations can exercise their rights, and

d) shall perform other duties referred to his/her scope of authority by law.

Section 77

(1) The President of the NJO shall exercise the rights stipulated in Section 76 with due respect to the rights and obligations of the President of the Curia and with deviations therefrom.

(2) The decisions taken by the President of the NJO shall be communicated promptly to those concerned in writing, but no later than within 8 days. **The President of the NJO shall – where applicable – state the reasons of his/her decisions.**

(3) The rules of the President of the NJO shall be published in the Hungarian Official Journal and the recommendations and decisions – with the exception of those listed in

Paragraph (5) – shall be published on the official website of courts and on the central website, furthermore in the official journal of courts.

(4) The President of the NJO shall publish the report on the general situation of courts and the administrative activities of courts prepared for the Parliament and the minutes of the interviews of applicants for a leading position that falls under the appointment authority of the President of the NJO on the central website.

(5) The decisions and procedural decisions taken by the President of the NJO in the course of the operations of the NJO shall be published on the intranet.

(6) The President of the NJO shall issue a press release on his/her decisions which may be of public interest.

(7) The President of the NJO shall draw up the information and the report set forth in Section 76 (8) a)-c) by providing details on his/her responsibilities under Section 76, with special regard to the criteria and circumstances of the exercise of his/her competences under Section 76 (4) b) and Section 76 (5) b), h) and m).

Section 77/A

(1) Judges can submit a constitutional complaint to the Constitutional Court against the regulations adopted by the President of the NJO if the conditions set out for constitutional complaints in the Act on the Constitutional Court are met.

(2) Judges may challenge decisions affecting their judicial service relationship status adopted by the President of the NJO exercising his/her power in personnel matters before administrative and labour court, unless the law confers the adjudication of the service dispute within the competence of the service court.

24. Vice Presidents of the NJO

Section 78

(1) The NJO shall have one general Vice President and further Vice Presidents.

(2) The President of the NJO shall be, in case of impediment and also if the position is vacant, substituted by the general Vice President of the NJO. The general Vice President of the NJO, in case of impediment, shall be substituted by other deputies of the President of the NJO, according to the order laid down by the President of the NJO. In the absence of a person authorized for the substitution, the duties of the President of the NJO shall be performed by the President of the NJC.

Section 79

(1) The general Vice President and the Vice Presidents of the NJO shall be appointed for an indeterminate duration by the President of the Republic based on a call for the submission of applications, on the recommendation of the President of the NJO.

(2) The call for the submission of applications shall be public. Job applications shall be invited by the President of the NJO, the provisions stipulated in Section 130 shall be duly applicable to all applications.

(3) Should any of the reasons for conflicts of interest listed in Section 68 (1) be identified with respect to any person, he/she may not be appointed as general Vice President or Vice President of the NJO; furthermore no relative of the President of the NJO as defined in the Act on Civil Procedure may be appointed for the above positions.

Section 80

(1) The general Vice President of the NJO shall be a judge, the Vice President of the NJO shall be a judge or a judicial employee.

(2) The employer's rights with respect to the general Vice President and Vice President of the NJO shall be exercised by the President of the NJO.

(3) Rules on judges shall be duly applicable to the general Vice President of the NJO and the Vice President of the NJO if he/she is a judge by profession, unless otherwise provided for by law.

Section 81

(1) The term of office of the general Vice President and Vice President of the NJO shall be terminated:

- a) by resignation,
- b) by the establishment of a conflict of interest,
- c) by relief of office, or
- d) by termination of the service relationship.

(2) The termination of the term of office of the general Vice President and the Vice President of the NJO shall be established by the President of the NJO in the cases listed under Paragraph (1) a) and d). In the case of Paragraph (1) b) and c), the President of the Republic shall adopt a decision on the proposal of the President of the NJO.

Section 82

The resignation shall be communicated in writing to the President of the NJO. The notice period is 6 months. A shorter notice period may be determined by the President of the NJO. The termination shall take effect on the day indicated in the decision establishing the termination of office. The resignation shall not prevent the disciplinary proceedings from taking place vis-à-vis the concerned party.

Section 83

(1) Should the general Vice President and Vice President of the NJO fail to terminate the cause of the conflict of interest within 30 days of his/her election, or should a reason for a conflict of interest emerge vis-à-vis the general Vice President and Vice President in the course of performing his/her duties, the President of the Republic shall adopt a decision on establishing a conflict of interest within 30 days of receiving the written motion of the President of the NJO.

(2) If the general Vice President and Vice President of the NJO terminate the cause of the conflict of interest during the relevant procedure, there shall be no need to establish a conflict of interest.

(3) The general Vice President and Vice President of the NJO shall not exercise his/her powers until the cause of the conflict of interest has been terminated.

Section 84

The President of the Republic shall relieve the general Vice President and Vice President of the NJO of his/her office if such is initiated by the President of the NJO with a detailed justification of the motion accompanied by supporting documents.

Section 85

If the Vice President of the NJO is a judge, provisions in Section 75 shall be duly applicable in the case of termination of office.

25. The NJO

Section 86

(1) The NJO is a central budgetary organisation with independent financial management based in Budapest.

(2) The NJO is led by the President of the NJO.

(3) The NJO

a) shall prepare decisions of the President of the NJO and ensure the enforcement thereof, furthermore it shall manage executive tasks relating to the functioning of the NJC,

b) shall represent the President of the NJO and courts in court proceedings on the basis of authorisation,

c) shall manage the central personal register of courts and shall manage the asset-related parts of financial disclosure statements of judges, and

d) shall take care of other tasks referred to its scope of activities by law.

Section 87

(1) A judge may also be posted to the NJO for a defined or indeterminate duration, or to complete a specific task, with his/her consent.

(2) Disciplinary proceedings against a judge posted to the NJO may be initiated by the President of the NJO.

(3) Provisions applicable to judges shall be duly applicable to a judge posted to the NJO, unless otherwise provided for by law.

Chapter VII Supervision of the central administration of courts

26. Staff and composition of the NJC

Section 88

(1) The NJC is the supervisory body of the central administration of courts.

(2) The seat of the NJC shall be in Budapest.

(3) The NJC shall be composed of 15 members, which are the following: the President of the Curia and 14 judges.

(4) The 14 judge members of the NJC shall be elected in a secret ballot by majority vote at the meeting of the delegated judges.

Section 89

(1) The NJC shall be represented and led by the President.

(2) The presidential position of the NJC shall be filled by members on a rotational basis; members shall rotate every 6 months in the following manner: the first to fill the position shall be the judge with the longest judicial service, followed by the other members in descending order of the length of their judicial service.

(3) The President of the NJC, if unable to work, shall be substituted by the Vice President. The position of the Vice President shall be filled on a rotational basis in the following manner: the first to fill the position of the Vice President shall be the judge with the second longest judicial service and will be followed by the other members in a descending order of the length of their judicial service.

Section 90

(1) A judge with at least 5 years of judicial practice shall be eligible for election as a member of the NJC.

(2) The following shall not be eligible for election as an NJC member:

a) any person against whom disciplinary or criminal proceedings are pending with the exception of proceedings launched on private actions and by substitute private prosecutors,

b) who is subject to a disciplinary penalty,

c) against whom a procedure is pending to declare him/her unsuitable,

d) who is not allowed to exercise his/her judicial activity due to his/her position stipulated by law, furthermore whose legal relationship as a judge is suspended pursuant to a legal act,

e) who is related to the President of the NJO, the President or Vice President of the Curia, the regional court of appeal and the tribunal, as defined in the Act on Civil Procedure,

f) who shall reach the upper age limit determined for judges in the year of election, or

g) who was previously a member of the NJC.

Section 91

(1) The meeting of delegates entitled to elect the members of the NJC shall elect – from among the delegates – one judge from the regional court of appeal, five judges from the tribunal, seven judges from the district courts and one judge from the administrative and labour court to be judge members of the NJC.

(2) Simultaneously upon electing the judge members of the NJC, the meeting of the delegates shall elect 14 judges as alternate members from among the delegates in accordance with Paragraph (1), defining an order based on the number of votes in a manner which rules out a tied vote.

(3) Should the number of valid majority votes exceed the upper limit indicated in Paragraphs (1) and (2), from among the candidates defined in Paragraph (1), those who received the highest number of votes shall be considered as elected members (alternate members of the NJC).

Section 92

If the number of alternate members has fallen under five and the undisturbed operation of the NJC or the observance of the upper limits defined in Sections 91 (1) cannot be guaranteed, new elections shall be held to increase the number of alternate members to 14 persons.

Section 93

The delegates participating at the meeting of the delegates shall be elected by a majority of votes of those present at the full meeting of the Curia, the regional court of appeal and the all-judges conference of the tribunal.

Section 94

(1) The full meeting of the Curia, as well as the all-judges conference of the regional court of appeal and the tribunal shall elect, by secret ballot, one delegate for every 20 judges based on the authorised number of judges of the court. If the remaining number of judges exceeds 10, a further delegate shall be elected. The number of elected delegates shall not exceed 20 and cannot be less than two – or three in the case of a tribunal – even if on the basis of the authorised number of judges of the court, one or no delegate can be elected.

(2) Any person eligible to be a member of the NJC according to the conditions in Section 90 shall be eligible to be nominated and elected as a delegate.

(3) Delegates at the tribunal shall be elected in a way that at least one of them shall represent the district court and at least one shall represent the administrative and labour court.

(4) Judges posted to the Curia, the NJO and the Ministry led by the Minister responsible for Justice shall elect at the all-judges conference convened at the court which was their place of service prior to their posting.

Section 95

(1) Any judge may nominate delegates.

(2) The nominated judge shall accept the nomination no later than 5 days prior to the all-judges conference.

(3) If the nominated judge has accepted the nomination, he/she shall attach his/her resumé together with the declaration of acceptance described in Paragraph (2), which shall also contain his/her plans as an NJC member.

Section 96

(1) The all-judges conferences electing the delegates shall be convened by the Presidents of the courts mentioned in Section 93, no later than four months prior to the expiration of the term of office of the NJC. Should the all-judges conference electing the delegates fail to have a quorum, it shall be reconvened no later than within 15 days. The reconvened all-judges conference shall have a quorum, irrespective of the number of those attending.

(2) The all-judges conference shall elect delegates by secret ballot with a majority of votes.

Section 97

(1) Delegates shall send their resumé to the President of the NJO within 8 days of being elected.

(2) The President of the NJO shall call upon the most senior delegate (hereinafter: the doyen of delegates) to convene and chair the meeting of delegates.

(3) Simultaneously with the request specified in Paragraph (2) the President of the NJO shall call upon the nominating committee consisting of 5 members – specifically the most senior judge delegates of the Curia, the regional court of appeal, the tribunal, the district court, administrative and labour court – to propose members and alternate members from among the delegates in accordance with Section 99 (1), and for this purpose the President of the NJO will forward the resumé to them.

Section 98

(1) The meeting of delegates shall be convened by the doyen of delegates through the President of the NJO to hold its meeting no later than 2 months prior to the expiry of the term of office of the NJO and shall simultaneously send the resumé to the delegates.

(2) The meeting of delegates shall have a quorum if more than half of the delegates attend. Should the meeting of the delegates fail to have a quorum, it shall be reconvened within no later than 15 days. The reconvened meeting of delegates shall have a quorum irrespective of the number of those attending.

(3) The meeting of delegates shall be chaired by the doyen of delegates.

(4) The meeting of delegates may be attended by the President of the Curia and the President of the NJO. They shall not have the right to nominate or vote, but they shall have the right to address the meeting.

Section 99

(1) The nomination committee shall nominate judge members and alternate members of the NJC to be elected taking into account the upper limits specified in Section 91 (1), and the proper representation of various stages of cases and the principle of regional representation. Any delegate may propose further nominations. The name of the nominee supported by at least one-third of the delegates attending shall be put on the voting card.

(2) The nominee whose name is put on the voting card shall declare whether or not there are any reasons specified by law excluding him/her from the nomination.

Section 100

(1) Nominees with the highest number of votes but at least more than 50 percent (majority of votes) shall be considered as elected members or alternate members in the number defined by law. Voting shall continue until the required number of candidates have received the prescribed number of votes in line with Section 91 (1) and (2). The votes shall be counted by a board consisting of the three youngest judges of the Curia not elected as delegates.

(2) The doyen of the delegates shall send the minutes containing the result of the election held at the meeting of the delegates to the President of the NJO within 3 days; the President shall immediately forward that to the President of the Curia, as well as to the Presidents of the regional courts of appeal and tribunals.

Section 101

The detailed rules of the nomination and election of judge members and alternate members of the NJC shall be established by the NJC in its rules of operation and organisation.

Section 102

The NJC, its elected judge members and alternate members shall be in office for six years as of the first meeting of the NJC. The term of office of the NJC shall be terminated on the day of the first meeting of the newly elected NJC. The first meeting of the newly elected NJC shall be convened within 15 days of the election of judge members.

27. Duties of the NJC

Section 103

(1) In the area of general central administration the NJC

a) shall examine the central administrative activity of the President of the NJO and signal any problems,

b) shall propose to the President of the NJO to exercise the power set out in Section 76 (1) d),

c) shall express opinions on the rules and recommendations issued by the President of the NJO.

d) shall approve the rules of procedure of the service court and publish it on the central website.

(2) In terms of budgets the NJC

a) shall express its opinion on the budget of courts and the report on the implementation thereof,

b) shall examine the economic and financial management of courts, and

c) shall express opinions on the detailed conditions and levels of other benefits.

(2a) In the areas of statistical data collection, the distribution of cases and the measurement of workload, the NJC

a) may, in especially justified cases, order the adjudication of cases concerning a broad spectrum of society or cases of outstanding importance with a view to public interest as a matter of urgency,

b) shall determine the principles to be applied by the President of the NJO when appointing a proceeding court in the context of the use of the power to appoint a different proceeding court in the interest of adjudicating cases within a reasonable period of time.

(3) In the area of human resources the NJC

a) shall express a preliminary opinion on persons nominated as President of the NJO and President of the Curia on the basis of a personal interview,

b) shall determine the principles to be applied by the President of the NJO and the President of the Curia when adjudicating the applications in the context of using their power to award a position to the applicant in the second or third position in the rankings,

c) shall have the right of consent in the adjudication of applications where the President of the NJO or the President of the Curia wishes to award a position to the applicant in the second or third position in the rankings,

d) shall exercise the right of consent regarding the appointment of court leaders who did not receive the approval of the reviewing board [Section 132 (6)],

e) shall decide on the approval to the renewal of the appointments of Presidents and Vice Presidents of the regional courts of appeal, tribunals, administrative and labour courts and

district courts if the President or the Vice President has already served two terms of office in the same position,

f) shall publish its opinion annually on the practice of the President of the NJO and the President of the Curia with respect to evaluating the applications of judges and court leaders,

g) shall appoint the President and members of the service court,

h) may grant a derogation in the case of a conflict of interest between a court leader and his/her relative adjudicating in an organisational unit under the leadership of the court leader,

i) shall carry out inspection procedures relating to financial disclosure statements of judges,

j) may award, upon initiative of the President of the NJO titles of “honorary/titular tribunal judge”, “honorary/titular judge of the regional court of appeal”, “honorary/titular judge of the Curia”, “councillor of the Curia”, the titles of ‘chief councillor’, ‘councillor’ in the case of judicial employees, furthermore, based on the initiative of the President of the NJO, it may propose the awarding of decorations, prizes, diplomas or plaque, and may approve the awarding of prizes, plaques, diplomas by others,

k) in the case of resignations of judges, it may approve a notice period shorter than 3 months, and may relieve the judge from his/her work related duties for the notice period in full or in part, and

l) in the case of a judge retiring or reaching the upper age limit he/she shall make a decision concerning the relief of the judge of his/her duties during the notice period in line with the Act on the Legal Status and Remuneration of Judges.

(4) In the area of training the NJC

a) shall make a proposal for a central training plan, and

b) shall express opinions on rules of the training system established for judges and the completion of training obligations.

(5) The NJC shall perform other duties referred to its scope of activity by law.

28. Functioning of the NJC

Section 104

(1) The NJC shall determine its budget for each year before the start of the given year, and shall subsequently agree thereon with the President of the NJO. The budget of the NJC shall be allocated separately within the budget of the NJO. The technical conditions necessary for the operation of the NJC shall be provided by the NJO.

(2) The NJC shall adopt decisions on matters falling under its scope of authority at a meeting; in extraordinary cases or in cases necessitating prompt action, it may take decisions in a different manner.

Section 105

(1) The NJC shall hold its meetings as necessary but at least four times a year. The meeting shall be convened by the President of the NJC.

(2) The meeting of the NJC shall be convened and the proposed items shall be put on the agenda if proposed by at least one-third of the members of the NJC. The plenary meeting of the Curia or the plenary conference of a court of appeal or tribunal may propose any issue falling within the competence of the NJC to be put on the agenda of the NJC and discussed by the NJC.

(3) The NJC shall have a quorum if at least two-thirds of its members are in attendance.

(4) The NJC shall adopt decisions with a majority opinion. In the event of a tied vote, the vote of the President shall decide.

Section 106

(1) The meeting of the NJC shall be open to judges, except when the NJC orders a closed meeting to be held. Meetings of the NJC shall be attended by the President of the NJO, the Minister responsible for justice, the Prosecutor General, the President of the Hungarian Bar Association, the President of the Hungarian Chamber of Notaries Public and the President of the NJC with consultative rights, furthermore by any ad-hoc expert invited by participants with consultation rights, and the representatives of any civil society and other interest groups invited by the President of the NJC. A minute-taker shall participate in NJC meetings.

(2) At the meetings of the NJC, in case he/she is impeded, the Minister responsible for justice shall be substituted by a State Secretary, the President of the NJO shall be substituted by the general Vice President deputy of the NJO, the Prosecutor General shall be substituted by the deputy Prosecutor General, the President of the Hungarian Bar Association shall be substituted by the Vice President, and the President of the Hungarian Chamber of Notaries Public by the Vice President.

(3) The NJC may order a closed meeting, especially if this is indispensable for the purpose of protecting classified information, business secrets or any other secret defined in a specific legal act, furthermore if that is justified for the purpose of protecting the personal rights of the person heard at the meeting. If a closed meeting is ordered, participants with consultation rights may not participate at the meeting, except if the NJC provides otherwise.

Section 107

(1) Minutes shall be taken of the meeting of the NJC, and a summary shall be prepared of the decisions concerning the broader context of administration of courts and the activities of judges which might draw public interest. The President of the NJC shall ensure that the minutes and the summaries are prepared. The points of the agenda to be included in the summary and the content of the summary shall be decided upon by the NJC at the meeting. The summary shall not contain any agenda items discussed in a closed meeting.

(2) The minutes shall contain the names of those present, the agenda adopted, the discussion of individual agenda items, more precisely the name of the speaker, the essence of the contribution, the fact of voting, the method of voting, the outcome of voting and the text of the decision.

(3) The summary shall contain a concise overview of agenda items discussed at the meeting and the decisions.

Section 108

(1) The annual plan of meetings of the NJC and a summary of the meeting, as well as the minutes of the preliminary opinions on the persons nominated as President of the Curia and President of the NJO shall be published on the central website.

(2) The minutes of the NJC meeting shall be put on the intranet, except in the case of a closed NJC meeting.

Section 109

The NJC shall establish the detailed rules of its operation in the rules of organisation and operation.

29. Legal status of NJC members

Section 110

(1) The elected membership of the NJC shall not influence the judicial legal status, the assignment of the judge and, unless otherwise provided for in this Act, the exercising of employer's rights.

(2) Elected judge members of the NJC cannot be recalled.

(3) Disciplinary proceedings may only be initiated against the judge member of the NJC with the approval of the NJC.

(4) A member of the NJC may not exercise his/her rights and obligations originating from his/her membership in the NJC

a) during disciplinary or criminal proceedings initiated against him/her with the exception of proceedings launched on private actions and by substitute private prosecutors,

b) during proceedings initiated for the declaration of his/her judicial unsuitability.

(5) The member of the NJC may not vote in issues affecting his/her person.

Section 111

(1) The office of an elected judge member of the NJC shall be terminated:

a) upon the expiry of the term of office,

b) upon the termination of the judge's office.

c) by resignation from membership of the NJC,

d) by a non-appealable declaration of his/her disciplinary or criminal liability,

e) if the reason listed in Section 90 (2) d) and e) arose during the membership and was not terminated within 30 days,

f) if, due to the violation, long-term omission or serious negligence of his/her rights and obligations originating from his/her membership in the NJC, the member is excluded from his/her membership in the NJC by a resolution adopted with a two-thirds majority of the votes in the NJC, or

g) if his/her assignment to the court tier at the time of his/her election has changed, and as a consequence the number of judges representing the given tier shall exceed the number specified in Section 91 (1).

(2) The President of the Curia shall cease to be member of the NJC simultaneously upon the termination of his/her term of office as President of the Curia.

30. Rights and obligations of NJC members

Section 112

(1) A member of the NJC shall be entitled and obliged to take part in the work of the NJC, and to perform his/her duties, he/she is entitled to:

a) inspect the documents related to the operation of the NJC and NJO, and to request data and information from the President of the NJO,

b) make a proposal for the agenda of the NJC meeting, and

c) have his/her membership-related costs reimbursed.

(2) Members of the NJC shall respect confidentiality rules with regard to classified data.

(3) Judge members of the NJC shall be exempted from their judicial work of a judge to the extent necessary to perform their duties arising from membership.

31. Alternate members of NJC

Section 113

(1) An alternate member of the NJC shall succeed the elected member in the order of votes received, with due respect to Section 91 (1).

(2) The rules related to the member shall be applicable mutatis mutandis to an alternate member of the NJC.

PART FOUR LEADERSHIP AND ADMINISTRATION OF INDIVIDUAL COURTS

Chapter VIII President of the Curia and court leaders

32. President of the Curia

Section 114

(1) The President of the Curia shall be elected by Parliament from among judges appointed for an indeterminate duration and with at least 5 years of judicial service in accordance with Article 26 (3) of the Fundamental Law.

(2) Any person

- a) against whom disciplinary or criminal proceedings are pending, except for proceedings launched on private actions and by substitute private prosecutors,
- b) who is subject to a disciplinary penalty,
- c) against whom a procedure is pending to declare him/her unsuitable,
- d) whose judicial service is temporarily suspended pursuant to a legal act may not be elected as President of the Curia.

(3) In the course of electing the President of the Curia, the provisions of Section 67 (1), (3) and (4) shall be duly applicable. If the term of office of the President of the Curia was terminated for a reason specified in Section 115 (1) b)–f) the President of the Republic shall nominate a person to fulfil the position of the President of the Curia within 30 days.

(4) The provisions in Section 68 (2) shall be duly applicable for the President of the Curia entering office.

Section 115

(1) The term of office of the President of the Curia shall be terminated:

- a) upon the expiry of the term of office,

- b) by termination of the judicial service,
- c) by resignation,
- d) upon the declaration of a conflict of interest,
- e) by relief of office, or
- f) by removal from office.

(2) The termination of the term of office of the President of the Curia shall be declared by the Speaker of the House in cases specified in Paragraph (1) a)–c). In the case of Paragraph (1) d)–f) the Parliament shall adopt a decision on the termination of office. The termination of office shall be declared with a two-thirds majority vote of the members of Parliament.

(3) The Speaker of the House shall inform the President of the Republic about the termination of the term of office of the President of the Curia within 8 days of its establishment.

(4) If the term of office of the President of the Curia was terminated on the basis of Paragraph (1) a) and the Parliament did not elect a new President before the termination of office, the President of the Curia will exercise the presidential rights and powers until the new President of the Curia has been elected.

Section 116

(1) Provisions of Sections 71–74 shall be applicable to resignation, the establishment of conflicts of interest, relief of office and removal from office with the proviso that removal from office can only be initiated by the President of the Republic.

(2) If the term of office of the President of the Curia is terminated upon the expiry of the defined duration, he/she shall be appointed as head of chamber at the Curia without a call for the submission of applications.

(3) If the term of office of the President of the Curia is terminated before the expiry of the defined duration, he/she shall be assigned preferably to his/her previous place of service and to a position which is at least equivalent to his/her previous position, without a call for the submission of applications.

Section 117

(1) The President of the Curia

- a) shall lead and represent the Curia,
- b) shall provide an annual report to Parliament on the activities of the Curia to ensure the uniformity of the application of law; furthermore he/she shall inform regional courts of appeal and tribunals about this,
- c) shall report annually to Parliament his/her experience in the course of performing his/her duties to establish conflicts of local ordinances with other legislation and their annulment, and to identify the neglects of local governments in terms of their statutory legislative obligations,
- d) shall express his/her opinion concerning the proposal on the budget of courts and the report on the implementation thereof with respect to the Curia,
- e) shall ensure the necessary human and material conditions for the operation of the Curia within the given budgetary framework,
- f) shall manage the financial and economic activities of the Curia,

- g) shall exercise employer's rights conferred upon him/her by law,
- h) shall check the observance of procedural deadlines in the Curia,
- i) shall ensure compliance with administrative and executive rules,
- j) shall draw up rules of organisation and operation in line with the fundamental principles defined by the President of the NJO, determine the work plan and schedule of the Curia, approve the work plan of the colleges of the Curia, and control compliance therewith,
- k) shall manage and control the administrative activities of court leaders of the Curia and shall inspect them,
- l) shall ensure the operational conditions of judicial bodies and convene full meetings of the Curia,
- m) shall ensure that interest organisations can exercise their rights,
- n) shall organise and take care of the training and further training tasks referred to his/her scope of authority,
- o) shall inform the President of the NJO and the full meeting of the Curia and other workers of the Curia once a year about
 - oa) the operation of the Curia, case statistics and financial position,
 - ob) the objectives set for the forthcoming calendar year to ensure the efficient and timely operation of the Curia and the administrative measures implementing them,
 - oc) the execution and outcome of objectives and measures taken in the previous calendar year,
- p) shall be responsible for keeping records as instructed by the President of the NJO to provide data with respect to personal data prescribed in law concerning the operation of courts; furthermore records and data stipulated in legal acts taking data protection rules into account,
- q) shall be responsible for the timely implementation of the decisions taken by the President of the NJO,
- r) shall ensure that the opening hours of the Curia are published on the central website, as well as on the website of the Curia, and
- s) shall perform other duties referred to him/her by law, by the rules of organisation and operation or by the decision of the President of the NJO.

(2) Reports and information stipulated in Paragraph (1) b) and c) shall be published on the official website of courts and on the central website, furthermore in the official journal of courts.

33. Court leaders

Section 118

(1) Court leaders are the following:

- a) President of regional courts of appeal, tribunals, administrative and labour courts, as well as district courts (hereinafter together: President of the court),
- b) Vice President of the Curia, the regional courts of appeal, tribunals, administrative and labour courts, as well as district courts (hereinafter together: Vice President),
- c) heads of colleges,
- d) deputy heads of colleges,
- e) heads of groups,
- f) deputy heads of groups, and
- g) heads of chambers.

(2) Court leaders shall be responsible for leading the court and/or the judicial organisational unit.

(3) Court leaders shall be responsible for the efficient operation of the court and/or judicial organisational unit in line with legal acts, regulations and decisions issued by the President of the NJO.

34. Chair of Court

Section 119

The chair of the court shall

- a) provide for the availability of the personal and material conditions necessary for the operation of the court within the boundaries of the court's budget,
- b) exercise the employer's rights delegated to his competence by law,
- c) supervise the court's financial and business activities,
- d) verify the observance of procedural deadlines,
- e) provide for the observance of procedural and administrative rules,
- f) draft rules of organisation and operation in accordance with the guidelines determined by the President of the NJO, shall determine the schedule of work and work plan of the court under his supervision, shall approve the action plans of divisions and shall monitor the observance thereof,
- g) manage and monitor the administrative activities of senior court personnel in positions inferior to his,
- h) maintain the operating conditions of judicial bodies and shall convene the plenary conference of judges,
- i) ensure the exercise of the rights of representative organisations,
- j) organise and fulfil the duties of education and on-the-job training delegated to his competence,
- k) inform the President of the NJO, the plenary conference of judges and the other employees of the court once annually
 - ka) of the operation of the court, the processing of cases and the management of the court,
 - kb) of the goals identified for the following calendar year in the interest of the effective and timely operation of the court and the administrative measures serving the implementation thereof,
 - kc) of the implementation of the plans featured in the career plan enclosed with his application for the given period,
 - kd) of the implementation and results of goals and measures identified in the previous calendar year,
- l) be responsible for the keeping of the records containing personal data as prescribed in the law related to the operation of courts and ordered by law or the President of the NJO with regard to the rules of data protection, as well as for the disclosure of data,
- m) be responsible for the timely implementation of the decisions of the President of the NJO,
- n) provide for the publication of the customer service hours and procedures of the court on the central website and, if the court has its own website, on the website of the court, and
- o) fulfil any other duties delegated to his competence by a legal rule, the rules of the President of the NJO or the decision of the President of the NJO.

Section 120

In addition to the responsibilities defined in Section 119, the chair of a tribunal shall supervise and monitor the administrative activities of the chairs of the administrative and labour courts and district courts operating in his territory.

Section 121

In addition to the responsibilities defined in Section 119, the chair of a court of appeal

a) shall coordinate the regional training of legal officials employed by courts operating in his territory of jurisdiction and shall identify the basic principles of regional training and the curriculum of regional training, and

b) shall coordinate the regional training of judges employed in his territory of jurisdiction in accordance with the decision of the President of the NJO relating to regional training tasks.

Section 122

The chair of an administrative and labour court and a district court shall fulfil the responsibilities defined in Section 119 subject to the differences warranted by the specific features of the court:

a) shall manage the funds placed at his disposal from the central budget and has the right to make payments and to assume liabilities; expenditures beyond the boundaries of ordinary operations, that is, in excess of the limit established in the rules of organisation and operation, shall be subject to the prior written permission of the chair of the tribunal,

b) his wage and staff management and general employer powers shall only extend to court officials, court clerks and blue-collar employees,

c) shall render the staff of judges and other employees of the court an annual account of the implementation of the plans featured in the career plan enclosed with his application for the given period as well as of the implementation and results of the goals and measures set in the previous calendar year.

35. Vice-Chair

Section 123

(1) The vice-chair shall deputise the chair in his absence, including the case where the office of chair is unoccupied, with full powers, and shall fulfil the administrative duties delegated to his competence under the court's rules of organisation and operation.

(2) The Vice-President of the Curia shall deputise the President of the Curia in his absence, including the case where the office of president is unoccupied – excepts as set forth in Section 115 (4) , with full powers, and shall fulfil the administrative duties delegated to his competence under the court's rules of organisation and operation.

36. Head of Division and Deputy Head of Division

Section 124

(1) The head of division

- a) shall organise the work of the division,
- b) shall annually inform the division
 - ba) of the implementation of the plans featured in the career plan enclosed with his application for the given period,
 - bb) as well as of the implementation and results of the goals and measures set in the previous calendar year,
- c) shall fulfil the administrative duties delegated to his competence under the rules of the President of the NJO or the decision of the President of the NJO and the court's rules of organisation and operation.

(2) The deputy head of division shall deputise the head of division in his absence, including the case where the office of head of division is unoccupied, with full powers, and shall fulfil the duties delegated to his competence under the court's rules of organisation and operation.

(3) Except as set forth in Paragraph (4), a deputy head of division shall operate at the court designated by the President of the NJO and at the regional administrative and labour division designated by the President of the NJO.

(4) A deputy head of division shall operate at the Curia in the divisions designated by the President of the Curia.

37. Head of Task Force and Deputy Head of Task Force

Section 125

(1) The head of task force

- a) shall organise the work of the task force,
- b) shall annually inform the task force
 - ba) of the implementation of the plans featured in the career plan enclosed with his application for the given period,
 - bb) as well as of the implementation and results of the goals and measures set in the previous calendar year,
- c) shall fulfil the administrative duties delegated to his competence under the rules of the President of the NJO or the decision of the President of the NJO and the court's rules of organisation and operation.

(2) The deputy head of task force shall deputise the head of task force in his absence, including the case where the office of head of task force is unoccupied, with full powers, and shall fulfil the duties delegated to his competence under the court's rules of organisation and operation.

(3) A deputy head of task force shall operate at the court designated by the President of the NJO.

38. Chamber Chair

Section 126

The chair of the chamber shall head the chamber and shall organise its work.

39. Appointment of Court Leaders

Section 127

(1) A senior court office [Section 118 (1)] may only be occupied by a judge appointed for an indefinite term; a senior court appointment shall be valid for 6 years, except as set forth in Paragraph (2).

(2) Chamber chairs shall be appointed for an indefinite term.

(3) The chair and vice-chair of a court may be appointed for the same senior court office for maximum two terms, except as set forth in Paragraph (4).

(4) If the chair or vice-chair of a court already occupied the same senior court office on two previous terms, he may be appointed for the same senior court office with the prior consent of the NJC.

Section 128

(1) The President of the Republic shall appoint the Vice-Presidents of the Curia based on the recommendation of the President of the Curia.

(2) The President of the NJO shall appoint the chairs and vice-chairs of courts of appeal and tribunals, the division heads of courts of appeal and tribunals and the heads and deputy heads of the regional administrative and labour divisions.

(3) The President of the Curia shall appoint the division heads, deputy division heads and chamber chairs of the Curia.

(4) The chair of a court of appeal shall appoint the deputy division heads and chamber chairs of the court of appeal.

(5) The chair of a tribunal shall appoint the deputy division heads and chamber chairs of the tribunal as well as the chairs, vice-chairs, task force heads and deputy task force heads of administrative and labour courts and district courts.

Section 129

If the person entitled to make the appointment is not the chair of the court affected by the appointment, not including applications for the position of chair and for the positions of head and deputy head of regional administrative and labour division, he shall obtain the recommendation of the chair of the court affected by the appointment.

Section 130

(1) Senior court positions shall be filled via applications unless the present Act or the Act on the status and remuneration of judges provides otherwise.

(2) Applications for the position of Vice-President of the Curia shall be invited by the President of the Curia, while applications for other senior positions shall be invited by the person authorised to make the appointment. The invitation of applications shall contain all terms and conditions necessary for being awarded the senior position.

(3) The applications submitted, not including applications for the position of chamber chair, shall contain a career plan which, depending on the office applied for, concerns the candidate's long-term plans related to the operation of the court, division or task force and the schedule of the implementation thereof. Applications shall contain a consent to the effect that the person authorised to make the appointment may obtain and manage the documents of the candidate's evaluation as a judge and of his managerial evaluation.

Section 131

The following shall state their opinions on the candidates by way of secret ballot:

- a) in the case of the Vice-President and division head of the Curia, the plenary meeting of the Curia,
- b) in the case of the chair, vice-chair and division head of a court of appeal or tribunal, the plenary conference of judges at the appropriate level,
- c) in the case of the deputy division head and chamber chair of the Curia, a court of appeal or tribunal and in the case of the head and deputy head of task force of a tribunal, the division at the appropriate level, with a view to the corresponding case group,
- d) in the case of the head or deputy head of a regional administrative and labour division, the regional administrative and labour division,
- e) in the case of the chair and vice-chair of an administrative and labour court, the staff of judges operating at the court concerned,
- f) in the case of the head and deputy head of task force of an administrative and labour court, the appropriate task force,
- g) in the case of the chair and vice-chair of a district court, the staff of judges operating at the district court,
- h) in the case of the head and deputy head of task force of a district court, the appropriate task force of the district court.

Section 132

- (1) The person authorised to make the appointment shall hear candidates.
- (2) The person authorised to make the appointment shall assess the candidacy proceedings by appointing a candidate or declaring the proceedings unsuccessful, based on the application, the personal hearing of the candidate and the recommendation of the reviewing board.
- (3) The reviewing board shall make its recommendation by ranking candidates in the order of the votes cast.
- (4) The person authorised to make the appointment shall make his/her decision by taking into account the proposal of the reviewing board. The person authorised to make the appointment shall not be bound by the recommendation of the reviewing board, however, he/she shall state the detailed reasons in writing of any decision departing from the recommendation.
- (5) In the case of a decision departing from the recommendation of the reviewing board, the President of the NJO and the President of the Curia shall inform the NJC of the reasons for the departure in writing, simultaneously with the appointment, and shall expose the reasons at the next meeting of the NJC. The written report submitted by the President of the NJO or the President of the Curia to the NJC and the information provided at the next

meeting of the NJC shall not affect the appointment of the court leader, with the exception set out in paragraph (6).

(6) If the President of the NJO or the President of the Curia wishes to appoint a candidate who did not obtain the majority support of the reviewing board, the President of the NJO shall obtain the prior opinion of the NJC on the candidate before making the appointment. The candidate may only be appointed if the NJC has agreed to his/her appointment.

(7) The person authorised to make the appointment, not including senior positions falling within the appointment powers of the President of the NJO, shall without delay inform the President of the NJO of his decision, and if the candidate to be appointed is a judge not posted at the court of the candidacy proceedings, he shall initiate his transfer.

Section 133

(1) A candidacy procedure is unsuccessful if the person authorised to make the appointment does not accept any of the applications. If the candidacy procedure is unsuccessful, new applications shall be invited.

(2) In the case of an unsuccessful candidacy procedure, the person authorised to make the appointment may fill the senior court position on the basis of an engagement for maximum one year.

(3) If the chair and vice-chair of a court are simultaneously prevented from the fulfilment of their duties for more than 2 months, including the case where these offices are unoccupied, the President of the NJO may appoint a leader from among the given court's senior personnel for the fulfilment of the duties of the chair or vice-chair for maximum 6 months.

Section 134

In matters not regulated in the present Act, applications for senior court positions shall be duly governed by the provisions of the Act on the status and remuneration of judges relating to applications for judicial positions.

40. Rights and Obligations of Court Leaders, Managerial Investigations

Section 135

Court leaders shall attend the training course, also providing managerial skills, determined by the President of the NJO or, if the President of the NJO is not the person authorised to make the appointment, by the person authorised to make the appointment.

Section 136

(1) Except as set forth in Paragraphs (2) to (4), the person authorised to make the appointment and, in the case of the Vice-President of the Curia, the President of the Curia, shall investigate the court leader's managerial activities as frequently as necessary but minimum once, in the year preceding the expiry of his mandate, at the latest.

(2) The person authorised to make the appointment shall investigate the chamber chair's managerial activities as frequently as necessary but minimum once every six years.

(3) Based on the recommendation of the reviewing board and, in the case of the chair, vice-chair, head of task force and deputy head of task force of a district court and an administrative and labour court, based on the recommendation of the judicial council, an investigation shall be conducted.

(4) If

a) the President of the NJO establishes that the court leader fails to implement his decision or rules, the President of the NJO

b) the plenary conference of judges or the reviewing board, and further, in the case of the chair, vice-chair, head of task force and deputy head of task force of a district court and an administrative and labour court, the judicial council initiates the removal or exemption of the court leader, the person authorised to make the appointment

shall order the investigation of the court leader's managerial activities.

Section 137

(1) An investigation shall be completed within 60 days of the institution thereof.

(2) If the well-founded suspicion of the commission of a disciplinary breach emerges on the basis of the investigation, the person authorised to make the appointment shall initiate the institution of disciplinary proceedings as set forth in the Act on the status and remuneration of judges.

(3) The President of the NJO shall determine the detailed criteria and procedure of the investigation in rules.

41. Cessation of Court Leader's Office

Section 138

The court leader's office shall cease:

- a) upon the expiry of the term of the mandate,
- b) upon the cessation of the judicial service relationship,
- c) by mutual agreement,
- d) through resignation or
- e) through exemption.

Section 139

(1) In the event of the resignation of a court leader, the resignation period is 3 months. The person authorised to make the appointment and the leader may also agree on a shorter resignation period.

(2) Resignation shall not prevent the continued implementation of ongoing disciplinary proceedings against the leader.

Section 140

(1) If the managerial investigation under Section 136 established the court leader's inaptitude, the court leader shall be removed from his senior position with immediate effect.

(2) The removed court leader may turn to the service court against the decision on his removal within 15 days of the delivery thereof.

Section 141

(1) If the office of the Vice-President of the Curia, the chair or deputy-chair of a court of appeal or tribunal or a head of division ceases upon the expiry of the term of the mandate, he shall be appointed as a chamber chair at a court corresponding to the level of his activities as court leader without the invitation of applications.

(2) If the office of a head of regional administrative and labour division ceases upon the expiry of the term of the mandate, he shall be appointed as a chamber chair at a tribunal without the invitation of applications.

(3) A court leader not mentioned in Paragraphs (1) and (2) shall, upon the expiry of the fixed term of his mandate, be posted in a position corresponding to his previous position as a judge.

(4) If the office of a court leader ceases prior to the expiry of its fixed term, he shall be posted, if possible, at his previous service post, in a position as a judge that is minimum equal to his previous position, without the invitation of applications.

Chapter IX Judicial Bodies

42. Common Rules

Section 142

Judicial bodies participating in the administration of courts:

- a) plenary meeting of the Curia, plenary conference of the judges of a court of appeal or tribunal (hereinafter collectively referred to as „plenary conference of judges”),
- b) division,
- c) regional administrative and labour division, and
- d) judicial council of the Curia, a court of appeal or tribunal.

43. All-Judges Conference

Section 143

The participants of the all-judges conference shall be the following: judges posted to the Curia and the regional court of appeals, and in the case of tribunals, judges posted to the tribunal, to district courts operating in the territorial jurisdiction of the tribunal, judges posted to administrative and labour courts.

Section 144

Duties of the conference:

- a) to elect a delegate for the election of NJC members,
- b) to express an opinion about the job applications of court leaders defined in Section 131 (a) and (b) and adopt a decision to launch an inspection,
- c) to elect the judicial council, and receive their report about its operation at least once a year,
- d) to decide on the dismissal of a member of the judicial council,
- e) to decide on an initiative to dismiss court leaders appointed by President of the NJO, and
- f) to initiate any issue within the scope of competence of the NJC to be put on the agenda of the NJC and be discussed by the NJC.

Section 145

(1) The conference shall be convened by the Presidents of the courts listed in Section 16 a)–c).

(2) The all-judges conference shall be convened if initiated by one-third of the judges, by the President of the court, the judicial council or the President of the NJO.

Section 146

(1) The conference shall have a quorum if more than half of the judges are present. If the all-judges conference does not have a quorum, it shall be reconvened no later than within 15 days. The reconvened all-judges conference shall have a quorum irrespective of the number of judges present. The all judges conference shall adopt decisions by secret ballot, unless otherwise agreed.

(2) The all-judges conference shall adopt decisions with a majority of votes.

44. Judicial council

Section 147

(1) The all-judges conference shall elect the members and alternate members of the judicial council for 6 years.

(2) If the total number of members and alternate members of the judicial council drops to five, the all-judges conference shall hold a new election to increase the number of members.

Section 148

(1) The judicial council shall consist of 5–15 members and 3–13 alternate members; the number of members and alternate members shall be decided by the all-judges conference. When performing their tasks stipulated in the Act on the Legal status and Remuneration of Judges with regard to the appointment procedure of judges (interviewing applicants and ranking applications according to scores) – with the exception stipulated in Paragraph (2) – the judicial council of the tribunal shall be joined by two judges from the regional court of appeal appointed by the President of the regional court of appeal, the judicial council of the

regional court of appeal shall be joined by two judges from the Curia appointed by the President of the Curia, who in the course of performing these tasks of the judicial council will have the same rights and obligations as the other members.

(2) If the appointment procedure is related to an application for a post at the administrative and labour court, the judicial council of the tribunal shall be joined by 2 judges appointed by the head of the regional administrative and labour college.

(3) The judicial council shall elect its President and Vice President from among its members.

(4) The following persons may not be elected as a member of the judicial council:

a) a person against whom disciplinary or criminal proceedings are pending – with the exception of proceedings launched on private actions and by substitute private prosecutors– or who is subject to a non-appealable disciplinary decision,

b) the President and Vice President of the court listed under Section 16 a)–c),
or

c) the person against whom proceedings are pending to establish his/her unsuitability.

Section 149

Membership in the judicial council shall be terminated

a) upon the termination of the judge's service,

b) by resignation of membership,

c) by relief from membership,

d) if the reason listed in Section 148 (4) occurred subsequently, or

e) upon the expiration of the term of assignment.

Section 150

(1) The alternate member designated by the judicial council shall preside in the event of termination of membership in the judicial council and in the place of a permanently prevented member.

(2) The general conditions of involvement of the alternate member shall be decided by the judicial council.

Section 151

(1) The judicial council

a) shall express its opinion regarding the appointment, position, transfer, posting without his/her consent, furthermore dismissal – with the exception of the provisions in Paragraph (2) – of the judge,

b) can initiate the inspection or dismissal of the President or the Vice President of the district, administrative and labour courts, the head of the group, the deputy head of the group,

c) shall express opinions on the annual draft budget of the court and the use of the approved budget, and

d) shall express opinions about the organisational and operating rules and regulations of the court and the plan for the distribution of cases.

(2) The right of opinion of the judicial council concerning the dismissal of judges shall not be exercised if the reason for dismissal is

a) the resignation of the judge,

b) the loss of the Hungarian nationality of the judge, furthermore his/her placement under conservatorship limiting or precluding his/her competency,

c) the election or appointment of the judge as a member of Parliament, as a member of the European Parliament, member of the local government, mayor, or as a leader falling under the scope of the Act on the National Organisation of Public Administration and the Legal Status of the Members of the Government and Ministers of State,

d) the appointment of the judge as the rector of a national higher education institution, or the leader of a research centre or research institute operating as a budgetary organisation, and

e) the judge entering into a legal relationship with an international organisation or an institution of the European Union with the purpose of working as a judge or in any other capacity relating to the administration of justice.

Section 152

(1) The judicial council shall hold its meetings as necessary, but at least four times a year.

(2) The judicial council shall be convened with a written proposal from more than half of the members.

(3) The meetings of the judicial council shall be public for the judges, and the President of the court shall take part therein as permanent guest.

(4) When giving its opinion in personal matters the judicial council may hold a closed meeting.

Section 153

(1) The judicial council shall have a quorum if more than two-thirds of its members are present at the meeting.

(2) The judicial council shall adopt its resolutions by a majority of votes. In the event of a tied vote, the vote of **the President of the judicial council** shall decide. A two-thirds majority vote of the attending members is required to initiate the dismissal of the member and the leader.

Section 154

(1) The division is a body of judges classified into specific case groups which is headed by a division head.

(2) The members of a division of the Curia are the judges of the Curia and the heads of the corresponding divisions of courts of appeal.

(3) The members of a division of a court of appeal are the judges of the court of appeal active in the given case group, the judges elected by them for 6 years from among the

divisions active in the given case group of the tribunals falling into the territory of jurisdiction of the court of appeal and the heads of the divisions active in the same case group of the tribunals falling into the territory of jurisdiction of the court of appeal.

(4) At a tribunal, the members of a division are the judges of the tribunal and the judges elected by them for 6 years from among the judges of the district courts and administrative and labour courts operating in the territory of the tribunal.

Section 155

Divisions

a) shall state their opinion on applications invited for judicial positions, not including applications submitted for positions at district courts and administrative and labour courts,

b) shall participate in the evaluation of the professional activities of judges,

c) shall review the case distribution plan,

d) shall state their opinion on applications invited for senior positions as defined in Section 131, Point c) and may initiate the implementation of the investigation of a court leader or the removal of a court leader, and

e) shall fulfil any other duties determined by law.

Section 156

(1) The regional administrative and labour division is a special professional body comprised of the judges of tribunals as defined in a separate rule of law proceeding in administrative and labour cases as well as of the judges of administrative and labour courts as defined in a separate rule of law, which is headed by a division head.

(2) The members of the regional administrative and labour division are the judges referred to in Paragraph (1). The person exercising the employer's rights shall enable the members of regional administrative and labour divisions to exercise their rights and to fulfil their obligations arising from their membership. The organisational framework of a regional administrative and labour division shall be provided by the tribunal at which the head of the regional administrative and labour division administers justice or to which the administrative and labour court at which the head of the regional administrative and labour division administers justice belongs to.

(3) The head of the regional administrative and labour division may also hold part-division meetings based on a specific case group unless a rule of law requires the decision of the division.

(4) The regional administrative and labour division

a) shall state its opinion on applications submitted for the positions of head and deputy head of regional administrative and labour court and may initiate the institution of the investigation of court leaders or the removal of court leaders, and

b) shall fulfil any other duties determined by law.

PART FIVE MISCELLANEOUS PROVISIONS

Chapter X

Court Workers

46. Legal Official and Lay Judge

Section 157

(1) For the purpose of the acquisition of the practical and theoretical skills and knowledge necessary for the fulfilment of a judge's office, courts shall employ legal officials with a law degree who meet the conditions determined in a separate rule of law.

(2) Courts shall employ lay judges with a bar examination who meet the conditions determined in a separate rule of law.

(3) Lay judges and legal officials shall fulfil the duties determined in a separate rule of law. If a lay judge fulfils the responsibilities of a judge on the basis of a separate rule of law, his activities shall be duly governed by the provisions set forth in Section 3.

47. Court Workers

Section 158

Administrative, procedural and other responsibilities are fulfilled at courts by court officials, clerks and blue-collar employees.

48. Common Rules

Section 159

Lay judges and legal officials as well as court officials, clerks and blue-collar employees are engaged in a justice service relationship with the court, the rules of which shall be established in a separate rule of law.

**Chapter XI
Enforcement of Court Rulings**

49. General Provisions

Section 160

(1) Upon the enforcement of sentences and measures, the duties falling on courts shall be fulfilled by law enforcement judges operating at tribunals.

(2) The enforcement of negative rulings and court compositions adopted in civil cases and labour disputes and rulings adopted in criminal cases establishing a pecuniary obligation is the duty of the court and the court bailiff unless a rule of law specifies otherwise.

50. Proceeding Persons

Section 161

The administrative activities of court leaders related to court bailiffs are established in the Act on court execution.

Section 162

The proceedings of court bailiffs are non-litigious proceedings and measures implemented in that competence shall be binding on all.

Chapter XII
**Responsibilities of Courts for the Maintenance of the Publicity of Court Rulings,
Compilation of Court Rulings**

51. Range of Rulings to Be Published and Procedural Rules of Publication

Section 163

(1) The Curia shall publish law standardisation decisions, authoritative court rulings, authoritative court decisions and rulings adopted with respect to the merit of the case, courts of appeal shall publish rulings adopted with respect to the merit of the case, while administrative and labour courts shall publish rulings adopted in administrative lawsuits with respect to the merit of the case, if the reviewed administrative decision was adopted in a single-instance procedure and no appeal lies against the decision of the court, in the Compilation of Court Rulings, in digital format.

(2) In the Compilation of Court Rulings,

a) court rulings adopted in proceedings related to payment orders, execution, company registration, bankruptcy and liquidation and registers kept by the courts need not be published,

b) rulings adopted in marital lawsuits, lawsuits instituted for the establishment of paternity and origin and the termination of parental supervision and in lawsuits instituted for guardianship may not be published if a party to the proceedings requested non-publication,

c) rulings adopted in criminal proceedings instituted on the basis of sexual offences may not be published if the injured party did not consent thereto in response to the court's invitation to grant such consent.

(3) In conjunction and simultaneously with the published court ruling, digital copies anonymised by the court in the procedure determined by the President of the NJO of all court rulings and decisions adopted by other authorities or agencies which were overruled or reviewed by virtue of the published court ruling shall also be published.

(4) The publication of rulings adopted upon the court review of public procurement proceedings shall be governed by the provisions of the Act on public procurements.

(5) The chair of the court may also order the publication of other rulings adopted by the court beyond the range of rulings defined in Paragraphs (1) to (4).

Section 164

(1) Rulings shall be published by the chair of the court adopting the rulings in the Compilation of Court Rulings within thirty days of the commission thereof to writing.

(2) If an already published ruling is corrected or its content changes by virtue of a supplement, the correction or supplement shall be entered in the Compilation of Court Rulings within five working days of the date at which such duly marked correction or supplement becomes final and absolute.

Section 165

(1) As part of a published ruling, it is necessary to state the description of the court and area of law, the year of the adoption of the ruling and the serial number of the ruling.

(2) The court adopting the ruling shall, simultaneously with publication, identify the specific legal rules, on the basis of which the court adopted the ruling.

(3) The President of the NJO shall ensure that the texts of rulings and specified legal rules may be searched in the Compilation of Court Rulings.

52. Protection of Personal Data upon the Publication of Court Rulings

Section 166

(1) Data permitting the identification of the persons featured in a ruling published in the Compilation of Court Rulings shall be deleted in a way that will not curtail the established facts of the case. In other respects, the individual persons stated in the ruling shall be designated in accordance with their roles in the proceedings.

(2) Unless a rule of law provides otherwise, the following need not be deleted from a published ruling:

a) name of agency performing state or local municipality responsibilities and other public duties defined in legal rules and, unless an exception is made by a rule of law, the first name and surname of a person proceeding in that capacity (hereinafter collectively referred to as „name”) and his title or position if the given person was involved in the proceedings in connection with the fulfilment of his public duties,

b) name of attorney proceeding as proxy or defence attorney,

c) name of natural person losing the lawsuit in the capacity of defendant and name and head office of legal entity or unincorporated organisation if the ruling was adopted in a case in which claims of public interest may be enforced on the basis of a legal rule,

d) name, head office and name of representative of social organisation or foundation,

e) public data out of public interest.

(3) If the public was barred from a part or the whole of the hearing and the protection of interests defined by law giving rise to the exclusion of the public cannot be otherwise upheld, the publication of certain parts of the ruling or the whole of the ruling in the compilation shall be dispensed with or certain parts of the ruling or the whole of the ruling shall be deleted from the compilation.

(4) The deletion from or non-publication in the Compilation of Court Rulings of a ruling adopted on the basis of hearings conducted partially or fully in camera may be requested by the party to the proceedings in civil proceedings and by the injured party in criminal proceedings. The party concerned may present his application to the President of the NJO within one year of the publication of the ruling, at the latest, and the President of the

NJO shall provide for the granting of the application without delay but within five working days of the receipt thereof, at the latest.

(5) The protection of classified data shall be ensured also upon the publication of court rulings.

(6) No editing beyond the editing determined in the present Section may be made to the texts of rulings.

Chapter XIII

Maintenance of Order in Court Buildings

53. Basic Rules of Presence on Court Premises, Persons Responsible for the Maintenance of Order in Court Buildings

Section 167

(1) Subject to the restriction set forth in the present Act, anyone may enter the premises of court buildings open to the public and customers as well as the hearing rooms of court buildings for the purposes of the administration of court affairs and attendance of public hearings.

(2) Persons present on the premises of a court building shall manifest practices which respect the dignity of the administration of justice, do not disturb the operation of the court and comply with the regulations relating to the use of the building.

Section 168

It is the duty of the chair of the court to maintain order in the court building. The chair of the court, or the chair of the tribunal in the case of administrative and labour courts and district courts, shall as part of this duty establish the procedures for the use of the building, shall identify the building parts open to the public and customers and shall create and publish the rules thereon in conformity with the criteria identified by the President of the NJO on the central website and, if the court has its own website, also on the website of the court.

Section 169

Unless it is necessary for the purposes of a procedural act, no one may enter the court building with firearms, ammunition, explosives, detonators or other devices posing a particular hazard to public security or order, not including the professional members of the police force, law enforcement agencies or other armed agencies in the course of the fulfilment of their duties in that capacity. The chair of the court and the organisation or person engaged to maintain order in the building shall be entitled to verify this (hereinafter collectively referred to as „person maintaining order”).

54. Responsibilities of Persons Responsible for the Maintenance of Order

Section 170

(1) A person maintaining order shall ensure that the persons involved in the proceedings, the public and the press may exercise their rights and fulfil their obligations in accordance with the legal rules governing them. To this end, the person maintaining order may implement the following measures:

a) may call upon a person who violates his obligation set forth in Section 167 (2) or disturbs the work of the court, in particular, the due course of the hearing, with a practice manifested in the court building outside the hearing room to terminate such practice, and should this fail to yield a result, to leave the court building, not including a person summonsed by the court,

b) may prohibit a person violating the provisions of Section 169 from entering the court building or may call upon him to leave the court building,

c) in the event of failure to achieve voluntary compliance, shall provide for the removal of the person ordered by the chair of the chamber or, in the event of single-judge proceedings, by the proceeding judge (hereinafter in the present Chapter collectively referred to as „chamber chair”) to leave the hearing room and for ensuring that the person ordered to leave on the given hearing day may not return to the hearing room,

d) in the event of failure to achieve voluntary compliance, shall provide for the implementation of the chamber chair’s decision regarding the exclusion of the public,

e) may call upon a person entering or leaving the court building to present the content of his baggage; if the person concerned fails to meet this request, may prohibit him from entering the building or may call upon him to leave the building.

(2) If the person concerned fails to comply with the measure of the person maintaining order on a voluntary basis, the person maintaining order may contact the authority authorised to take measures.

Section 171

(1) If, as part of the fulfilment of the responsibilities determined in Section 168, the chair of the court detects in the course of the distribution of cases, based on the notification of the chair of the proceeding chamber, the President of the NJO or another court or authority or in any other way, that the assessment of the case may pose a particular risk to the maintenance of order, he shall implement the measures necessary in the interest of the publicity of hearings and the due maintenance of order in the building.

(2) The chair of the court shall implement the following measure or measures in high-risk cases:

a) shall provide an appropriate hearing room,

b) if the conditions exist, shall order the broadcasting of the public hearing via the court’s closed circuit television network,

c) shall provide for the increased presence of persons responsible for the maintenance of order,

d) shall order the persons responsible for the maintenance of order to call upon the persons entering or exiting the court building to present the contents of their baggage on a mandatory basis;

e) shall notify the authority authorised to take the relevant measures,

f) shall take the organisational measures necessary for the maintenance of order in the building.

(3) In preparation for a hearing, the chair of the proceeding chamber shall investigate whether, based on the circumstances of the case, in particular, large number of parties,

accused or summonsed persons or a subject-matter attracting the attention of larger groups of society, it is necessary to implement the measures set forth in Paragraph (2), in addition to the decisions set forth in the procedural laws falling within the competence of the chair of the chamber, and shall to this end notify the chair of the court.

(4) The chair of the court shall inform the chair of the proceeding chamber and the persons affected of the measure ordered by him.

PART SIX CLOSING PROVISIONS

Chapter XIV Implementation of Entry into Force of Act

55. Provisions of Authorisation

Section 172

The minister responsible for justice is hereby authorised to define in a decree the rules regarding the marking of the court rulings published on the basis of the present Act in the Compilation of Court Rulings.

56. Provisions of Entry into Force, Abbreviated Title of Act

Section 173

(1) Except as set forth in Paragraphs (2) and (3), the present Act shall enter into force on the day following its promulgation.

(2) Sections 1 to 65, Section 67, Section 68 (2), Section 69 (2), Sections 70–87, Section 88 (1)–(3), Sections 89 and 90, Sections 92 and 93, Section 94 (2) and (4), Section 95, Section 96 (2), Section 100, Sections 102–113, Section 114(3), Sections 115–172, Sections 178–205, Sections 207 and 208 of the present Act shall enter into force on 1 January 2012.

(3) Section 88 (4), Section 91, Section 94 (1) and (3), Section 96 (1), Sections 97–99, Section 101 and Section 209 of the present Act shall enter into force on 16 March 2012.

Section 174

The present Act shall be referred to in other legal rules under the abbreviation of „OACA”.

57. Compliance with the Requirement of the Fundamental Law Regarding Cardinal Legislation and Provision Relating to the Countersigning of Measures by the President of the Republic

Section 175

Sections 1–8, Sections 12–15, Chapter II, Chapter III, Section 45, Chapter V, Parts Three and Four, Chapters X and XI and further Sections 177–195, Section 197, Section 207 and Section 209 of the present Act qualify as cardinal on the basis of Article 25 Paragraph (7) of the Fundamental Law.

Section 176

No countersigning is required for the decisions and measures adopted by the President of the Republic in the course of his activities determined in the present Act.

**Chapter XV
Transitional Provisions**

58. Election of the President of the NJO and the President of the Curia for the First Time

Section 177

(1) The President of the Republic shall nominate the President of the NJO and the President of the Curia for the first time by 15 December 2011, at the latest. The nominees shall be heard by the committee of Parliament responsible for justice.

(2) Parliament shall elect the President of the NJO and the President of the Curia for the first time by 31 December 2011.

(3) If Parliament fails to elect the President of the NJO or the President of the Curia by the date set forth in Paragraph (2) and the President of the Republic makes a new nomination before 15 March 2012, Section 103 Paragraph (3), Point e) is not applicable.

59. Transitional Provisions Relating to the Election for the First Time of the Judge Members of the NJC

Section 178

(1) Upon the election for the first time of the judge members of the NJC, the provisions of Section 90, Sections 92 and 93, Section 94 (2) and (4), Section 95, Section 96 (2) and Section 100 shall be applied in combination with the provisions set forth under the present sub-title.

(2) Upon the election for the first time of the 14 judge members of the NJC, the conference of delegated judges shall elect 1 court of appeal judge, 5 tribunal judges, 7 local court judges and 1 labour court judge from among the delegates by secret ballot, by simple majority.

(3) Simultaneously with the election of the judge members of the NJC, the delegates shall elect 14 judges as alternate members as set forth in Paragraph (2), in an order that corresponds to the number of votes and excludes a tie in the votes.

(4) In the case of a number of valid majority votes in excess of the upper limits determined in Paragraphs (2) and (3), those judges shall be regarded as the elected members (alternate members) of the NJC for each court level determined in Paragraph (2) in the numbers determined herein who received the highest number of votes.

(5) Until 31 December 2012, the labour court judge shall represent the level of administrative and labour courts in the NJC.

Section 179

(1) The plenary meeting of the Curia and the plenary conference of a court of appeal and tribunal shall elect by secret ballot one delegate for every 20 judges based on the authorised number of judges at the court. If the fraction number exceeds 10, one further delegate shall be elected. The number of elected delegates may not exceed 20 and may not be less than 2, or 4 in the case of tribunals, even if, based on the authorised number of judges at the court, one or not even one delegate may be elected.

(2) Delegates shall be elected at tribunals in such a way that at least one of them shall be a local court judge and at least one of them shall be a labour court judge.

Section 180

The chairs of the courts mentioned in Section 179 (1) shall convene plenary conferences for the election of candidates by 30 January 2012, at the latest. If the plenary conference convened for the election of delegates does not have a quorum, it shall be re-convened by 5 February 2012, at the latest. The repeated plenary conference shall have a quorum regardless of the number of attendees.

Section 181

Delegates shall send their curriculum vitae to the President of the NJO by 10 February 2012, at the latest.

Section 182

(1) The President of the NJO shall request the oldest delegate (hereinafter referred to as the „doyen of delegates”) to convene and chair the conference of delegates.

(2) Simultaneously with the request set forth in Paragraph (1), the President of the NJO shall request a nomination committee of five comprised of the oldest Curia, court of appeal, tribunal, local court and labour court delegates to nominate, based on the forwarded curriculum vitae, members and alternate members from among the candidates in accordance with the provisions set forth in Paragraph (5).

(3) The doyen of delegates shall convene the conference of delegates via the President of the NJO by 1 March 2012, at the latest, and shall simultaneously send the curriculum vitae to the delegates. The conference of delegates has a quorum if more than one half of the delegates are present. If the conference of delegates does not have a quorum, it shall be re-convened by 5 March 2012, at the latest. The repeated conference of delegates shall have a quorum regardless of the number of attendees.

(4) The conference of delegates shall be chaired by the doyen of delegates. The President of the Curia and the President of the NJO may attend and speak at the conference of delegates without the right of nomination and voting.

(5) The nomination committee shall nominate the elected judge members and alternate members of the NJC with regard to the upper limits determined in Section 178 (2), the representation of the various case groups and the principle of regionality. Any delegate may make further nominations. Persons supported by at least one third of the attending candidates may be entered in the ballot paper.

(6) A candidate entered in the ballot paper shall issue a statement as to whether the disqualifying circumstances determined in the present Act exist in respect of his person.

Section 183

(1) Candidates shall be entered in the ballot paper in the alphabetical order of their surnames.

(2) Votes may be cast for a candidate by underlining his name. In the absence of underlining or the underlining of multiple names, the vote shall be invalid.

(3) Upon the election of the judge members of the NJC for the first time, the conference of delegates shall establish any other issues not regulated by law by simple majority.

Section 184

Upon the election of the judge members of the NJC for the first time, voting shall continue in the manner determined in Section 100 (1) until the required number of candidates as set forth in Section 178 (2) and (3) receive the prescribed number of votes.

60. Determination of Date of Expiry of Mandates and of Beginning of New Mandates

Section 185

(1) The mandates of the National Judicial Board (hereinafter referred to as „NJB”) and its members, the President of the NJB, the President and Vice-President of the Supreme Court and the Office Director and Deputy Office Director of the NJB shall cease by virtue of the entry into force of the Fundamental Law.

(2) The mandates of the President of the NJO and the President of the Curia shall commence as of 1 January 2012.

(3) The NJC coming into being for the first time on the basis of the present Act shall commence its operation on 15 March 2012. The first meeting of the NJC shall be held in March 2012.

Section 186

(1) In respect of the President of the Supreme Court, the provisions of Section 116 (2), while in respect of the Vice-President of the Supreme Court, the provisions of Section 141 (1) shall duly apply.

(2) Following the cessation of the mandate of Office Director, the former head of the NJB Office shall be posted in an actual judge's position, without the invitation of applications, minimum in the position of chamber chair, if possible, at a service post in the locality of his residence that he occupied prior to his official activities but minimum of the same level.

Section 187

The mandates of court leaders appointed prior to 1 January 2012 shall be valid for the term determined in their appointments, except as set forth in Section 185(1).

61 Provisions Related to Legal Succession

Section 188

(1) The legal successor of the Supreme Court, the NJB and its President is the Curia for the purposes of activities related to the administration of justice, while in respect of the administration of courts, the President of the NJO, except as determined in the cardinal laws.

(2) The general legal successor of the Office of the NJB is the NJO. The NJO shall be established within the organisational framework of the Office of the NJB.

(3) The minister responsible for justice shall establish the institution responsible for the training of judges and other persons participating in the administration of justice within the framework of the Hungarian Academy for Judicial Training. The President of the NJO shall provide for the definitive delivery of title to and the management rights of the movable and immovable property necessary for the operation of the institution currently serving the fulfilment of the duties of the Hungarian Academy for Judicial Training on the day of the entry into force of the present Act, as at the date of the entry into force of the present Act, as well as of the budgetary allocations attached thereto, in cooperation with Magyar Nemzeti Vagyonkezelő Zrt. by 28 February 2012, at the latest.

(4) The minister responsible for justice is hereby authorised to establish in a decree the rules of organisation and operation of the institution responsible for the training of judges and other persons participating in the administration of justice.

Section 189

(1) Effective as of 1 January 2012, the judges and judicial employees of the Supreme Court shall become the judges and judicial employees of the Curia. In the case of legal relationships under private law, effective as of 1 January 2012, the Supreme Court shall be replaced by the Curia.

(2) The legal successors of the Metropolitan Court and the given county courts are the corresponding tribunals. The title of the office of chairs of county courts and the Metropolitan Court shall change to chair of tribunal as of 1 January 2012.

Section 190

Wherever the present Act provides for district courts, district court leaders and district court judges, it shall be construed until 31 December 2012 as district and town courts,

and collectively as local courts, local court leaders and local court judges. As of 1 January 2013, the given district court shall be the legal successor of the given local court.

62. Transitional Provisions Related to the Establishment of Administrative and Labour Courts

Section 191

(1) Administrative and labour courts and regional administrative and labour divisions shall commence their operation on 1 January 2013.

(2) The general successor of labour courts operating in the territory of the given tribunal shall be the administrative and labour courts to be established in the territory of the given tribunal.

(3) The mandates of the court leaders of labour courts operating in the territory of the given tribunal appointed prior to 1 January 2012 shall be valid for the term determined in the appointment, with respect to the administrative and labour court to be established in the territory of the given tribunal.

(4) If the mandate of the court leader of a labour court expires before 1 January 2013, his office may be filled by way of an engagement until 31 December 2012.

(5) Judges posted at a labour court operating in the territory of the given tribunal shall be posted at the administrative and labour court to be established in the territory of the given tribunal.

(6) If, upon the establishment of an administrative and labour court, a judge hearing administrative cases at a tribunal is transferred to an administrative and labour court, with regard to the reduction of the competence of the court on the basis of the Act on the status and remuneration of judges, his tribunal judge title and salary shall be established in accordance with the rules governing judges posted at tribunals.

(7) If, upon the establishment of an administrative and labour court, a judge hearing administrative cases at a court of appeal is transferred to an inferior court, with regard to the reduction of the competence of the court on the basis of the Act on the status and remuneration of judges, his court of appeal judge title and salary shall be established in accordance with the rules governing judges posted at courts of appeal.

Section 192

(1) Until 31 December 2012, the labour court under Act LXVI of 1997 on the organisation and administration of courts shall proceed at first instance in lawsuits arising from employment and employment-related legal relationships as well as in other cases delegated by law to its competence.

(2) Until 31 December 2012, labour courts shall be duly governed by the rules relating to district courts, while the court leaders of labour courts shall be duly governed by the rules relating to the leaders of district courts.

(3) Until 31 December 2012, judges hearing labour cases at tribunals shall be the members of the civil division. If a judge of a labour court is a member of the tribunal's civil division, he shall remain the member of the civil division until 31 December 2012.

Section 193

(1) Until 31 December 2012, tribunals shall proceed at first instance in administrative cases and the Metropolitan Court of Appeal at second instance.

(2) Until 31 December 2012, the Administrative Division of the Metropolitan Court of Appeal shall operate in accordance with the rules applicable to the divisions of courts of appeal, and its division head and deputy division head shall be duly governed by the rules relating to the division heads and deputy division heads of courts of appeal.

(3) Until 31 December 2012, the Administrative Division of the Metropolitan Tribunal shall operate in accordance with the rules applicable to the divisions of tribunals, while its division head and deputy division head shall be duly governed by the rules relating to the division heads and deputy division heads of tribunals.

(4) Until 31 December 2012, at tribunals where no administrative division operated until 31 December 2011, judges hearing administrative cases shall remain the members of the civil division.

63. Other Transitional Provisions

Section 194

(1) The President of the NJO shall review and, if necessary, amend, repeal or sustain the rules and recommendations issued by the NJB on the basis of Act LXVI of 1997 on the organisation and administration of courts by 1 October 2012.

(2) Statistical data shall for the first time be gathered on the basis of the data forms serving to measure the work load of judges in cases instituted subsequent to 1 January 2013.

Section 195

(1) The provisions of Sections 32 to 44 shall apply in law standardisation procedures initiated after 1 January 2012.

(2) Guidelines, authoritative decisions and division positions adopted prior to the entry into force of the present Act may be applied until the adoption of a law standardisation decision containing guidance in departure therefrom.

(3) Based on the motion of the President or division head of the Curia, the entire division of the Curia proceeding as a law standardisation council may terminate the maintenance of guidelines, authoritative decisions and division positions adopted prior to the entry into force of the present Act as guidelines, authoritative decisions and division positions as part of a law standardisation procedure even if the conditions set forth in Section 32 (1) do not otherwise exist.

Section 196

(1) In the course of the assessment of motions submitted by the metropolitan or county government bureau to the Constitutional Court by 31 December 2011, the municipal chamber operating at the Curia shall, within 30 days of the receipt of the motion transferred by the Constitutional Court, call upon the metropolitan or county government bureau to

supplement the motion as set forth in the Act on local municipalities within the deadline set. The time limit established for the assessment of the motion shall be reckoned from the date of the receipt of such supplement.

(2) In the course of the assessment of motions submitted by judges to the Constitutional Court by 31 December 2011, the municipal chamber operating at the Curia shall, within 30 days of the receipt of the motion transferred by the Constitutional Court, call upon the judge to supplement the motion as set forth in the present Act within the deadline set. The time limit established for the assessment of the motion shall be reckoned from the date of the receipt of such supplement.

Section 197

For the purposes of the provisions restricting repeated eligibility for senior court offices, the mandates of the chair and vice-chair of a local court shall qualify as equal to the mandates of chair and vice-chair of a district court, the mandates of the chair and vice-chair of an administrative and labour court shall qualify as equal to the mandates of chair and vice-chair of a labour court, while the mandates of the chair and vice-chair of a county court shall qualify as equal to the mandates of chair and vice-chair of a tribunal.

Chapter XVI Amended Legal Rules

64. Amendment to Act LXVIII of 1997 on the Service Relationship of Judicial Employees

Section 198

(1) Section 1 Paragraph (1), Point b) of Act LXVIII of 1997 on the service relationship of judicial employees (hereinafter referred to as „JEA”) shall be replaced by the following provision:

[The effect of the present Act]

„b) the National Judicial Office (hereinafter referred to as „NJO),”

(2) Section 8 Paragraph (1), Point a) shall be replaced by the following provision:

[The employer's rights shall be exercised by]

„a) the President of the NJO in respect of the Vice-President and other employees of the NJO,”

(3) Section 16 (2) shall be replaced by the following provision, and shall be simultaneously supplemented with the following Paragraph (2a):

„(2) The text of the oath shall consist of the text of the oath set forth in Act XXVII of 2008 on the Oath and Pledge of Certain Public Law Officials and the following text preceding the closing sentence thereof:

„I hereby do solemnly swear that I shall fulfil my job responsibilities and duties without bias, conscientiously, solely in accordance with the rules of law, accurately, to the best of my abilities.”

(2a) Designation of title in the text of the oath set forth in Act XXVII of 2008 on the Oath and Pledge of Certain Public Law Officials for the purposes of the oath under Paragraph (2): judicial employee.”

Section 199

(1) Section 31 of JEA shall be replaced by the following provision:

„Section 31 Paragraph (1) A senior position may be awarded to a candidate who, in addition to the general qualification conditions, has minimum three years of professional experience in the given area of specialisation. A legal rule or candidacy procedure may stipulate further conditions.

(2) The positions of the Vice-President and senior department heads of the NJO, the senior department heads of courts, the managers of other judicial agencies and their deputies and the Director of the Business Office of the Metropolitan Tribunal shall qualify as senior positions.

(3) Except as set forth in Paragraph (4), leaders shall be governed by the provisions of the present sub-title.

(4) In the case of the Vice-President of the NJO, Sections 32 to 34 are not applicable; issues falling within the regulatory range of these Sections shall be governed by the provisions set forth in the Act on the organisation and administration of courts.”

(2) Section 33 (1) of JEA shall be replaced by the following provision:

„(1) Applications may be invited for any managerial position; senior managerial positions shall be filled through the invitation of applications.”

Section 200

(1) Section 41/A (1) of JEA shall be replaced by the following provision:

„(1) Lay judges entitled to proceed within the competence of single judges in cases determined by law (hereinafter referred to as „appointed lay judge”) shall be appointed by the chair of the tribunal. In the case of lay judges working at district courts, the chair of the tribunal shall decide on the appointment based on the recommendation of the chair of the district court. The appointment shall state the range of cases it extends to.”

(2) Section 96 of JEA shall be supplemented with the following Paragraph (3):

„(3) The salary of the Vice-President of the NJO shall be duly governed by the rules of the Act on central state administration agencies and the status of the members of the Government and state secretaries relating to the remuneration of state secretaries, while his benefits shall be governed by the rules of the Government Decree on the benefits provided for state leaders and the civil servants of state administration agencies and the terms and conditions thereof relating to benefits provided for state secretaries.”

(3) JEA shall be supplemented with the following Section 134/A:

„Section 134/A Paragraph (1) Wherever the present Act provides for district courts, it shall be construed until 31 December 2012 as district and town courts and collectively as local courts.

(2) Wherever the present Act provides for administrative and labour courts, it shall be construed until 31 December 2012 as labour courts.”

Section 201

1. In Section 1 (3) of JEA, the text part „at the Office of the NJB” shall be replaced by the text „at the NJO”;

2. In Section 1 (4) and Section 6 (1) of JEA, the text part „metropolitan or county court” shall be replaced by the text „tribunal”;

3. In Section 8 (1), Point e) of JEA, the text part „metropolitan (county) court” shall be replaced by the text „tribunal”, while the text part „local court” shall be replaced by the text „district court”;

4. In Section 11 (2) of JEA, the text part „franchised” shall be replaced by the text „with full acting capacity”;

5. In Section 13 (1) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the President the NJO”;

6. In Section 13 (7) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the NJO”, and the text part „National Judicial Board” shall be replaced by the text „the President of the NJO”;

7. In Section 14 (7) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the President of the NJO”;

8. In Section 14 (10) of JEA, the text part „the NJB” shall be replaced by the text „the President of the NJO”;

9. In Section 16 (3) of JEA, the text part „metropolitan or county court” shall be replaced by the text „tribunal”;

10. In Section 35/A (1) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the President of the NJO”;

11. In Section 35/A (6) of JEA, the text part „the NJB” shall be replaced by the text „the President of the NJO”;

12. In Section 41/A (1) of JEA, the text part „county court” shall be replaced by the text „tribunal”;

13. In Section 61 (1) of JEA, the text part „at the Office of the NJB” shall be replaced by the text „at the NJO”;

14. In Section 93 (1) of JEA, the text part „local (labour) court” shall be replaced by „district court and administrative and labour court”, while the text part „at a metropolitan (county) court” shall be replaced by the text „at a tribunal”;

15. In Section 93 (4) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the NJO”;

16. In Section 94 (4) of JEA, the text part „the Office of the NJB” shall be replaced by the text „the NJO”;

17. In Section 95 (2) of JEA, the text part „metropolitan (county) court” shall be replaced by the text „tribunal”;

18. In Section 98 (3) of JEA, the text part „supreme court” shall be replaced by the text „curia”, while the text part „Supreme Court” shall be replaced by the text „Curia”;

19. In Section 103/A (1), Point a) of JEA, the text part „the Supreme Court and the Office of the NJB” shall be replaced by the text „the Curia and the NJO”;

20. In Section 105 (1) of JEA, the text part „at the Supreme Court, the Office of the NJB” shall be replaced by the text „at the Curia, the NJO”;

21. In Section 105 (2) of JEA, the text part „at the Supreme Court and the Office of the NJB” shall be replaced by the text „at the Curia and the NJO”,

22. In Section 109 of JEA, the text part „metropolitan (county) court” shall be replaced by the text „tribunal”,

23. In Section 119 (1) of JEA, the text part „National Judicial Board” shall be replaced by the text „President of the NJO”,

24. In Section 119 (3) of JEA, the text part „National Judicial Board” shall be replaced by the text „President of the NJO”,

25. In Section 119 (4) of JEA, the text part „National Judicial Board” shall be replaced by the text „President of the NJO”,

26. In Section 122 (1), Point e) of JEA, the text part „by Act XXXI of 1991 on the decorations of the Republic of Hungary” shall be replaced by the text „by the Act on the use of Hungary’s coat of arms and national flag and state decorations”,

27. In Section 122 (2) of JEA, the text part „Office of the NJB” shall be replaced by the text „the NJO” and the text part „the NJB” shall be replaced by the text „the National Judicial Council”,

28. In Section 123 of JEA, the text part „the NJB” shall be replaced by the text „the President of the NJO”,

29. In Section 135 (3), Point b) of JEA, the text part „to the Office of the NJB” shall be replaced by the text „to the NJO”, while the text part „in consultation and agreement with the NJB” shall be replaced by the text „in consultation with the President of the NJO”,

30. Section 135 (3), Point c) of JEA, the text part „the NJB” shall be replaced by the text „the President of the NJO”.

65. Amendment to Act XIX of 1998 on Criminal Proceedings

Section 202

Section 439 of CPA shall be replaced by the following provisions:

„Section 439 Paragraph (1) Law standardisation procedures shall be governed by the provisions of the Act on the organisation and administration of courts relating to law standardisation procedures, except as set forth in Paragraphs (2) to (5).

(2) If the result of a law standardisation procedure may have an impact on other extraordinary remedy proceedings in progress before the Curia, the Curia shall suspend such extraordinary remedy proceedings until the adoption of the law standardisation decision.

(3) If, following from the guidance provided on an authoritative issue, the provision of the final and absolute court ruling, affected by the law standardisation decision, which establishes the liability of the accused under criminal law is unlawful, the law standardisation council shall repeal the unlawful provision and shall acquit the accused and/or shall terminate the proceedings. If the accused is in custody, custody shall also be terminated.

(4) The reasoning of a law standardisation decision shall also contain the reasons for the acquittal of the accused and the termination of the proceedings.

(5) The given law standardisation decision shall also be served upon the accused who has been acquitted or in respect of whom the proceedings have been terminated. If prosecution was represented in the underlying proceedings by a private prosecutor or a substitute private prosecutor, the decision shall also be served on him.”

Section 203

a) In Section 13 (1), Section 13 (2), Points a) and b), Section 13 (3), Point a), Section 14 (2) and (4), Section 15, the opening text part of Section 16 (1) and (2), Section 20 (2), Point a), Section 131 (1) and (3), Section 142 (3) and (4), Section 207 (1) and (6), Section 208 (1) and (2), Section 215 (3), Section 242 (1), Point a), Section 262/B (3), Section 271 (2), Section 383 (1), Point a), Section 411 (1), Section 414 (2), Section 471 (1), Section 473 (1), Section 485/B (2) and Section 486 of CPA, the text part „county court” shall be replaced by the text „tribunal”,

b) in Section 14 (7) of CPA, the text part „National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”,

c) in Section 17 (5) and (6), Section 18 (3) and Section 566 (1) of CPA, the text part „county court” shall be replaced by the text „tribunal”, while the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”,

d) in Section 20 (2), Point b) of CPA, the text part „county court” shall be replaced by the text „tribunal”, the text part „county courts” shall be replaced by the text „tribunals” and the text part „to county courts” shall be replaced by the text „to tribunals”,

e) in Section 20 (2), Point c) of CPA, the text part „county courts” shall be replaced by the text „tribunals”, while the text part „county court” shall be replaced by the text „tribunal”,

f) in Section 20/A of CPA, the text part „The Supreme Court upon the motion of the President of the National Judicial Board” shall be replaced by the text „The President of the National Judicial Office”,

g) in Section 29, Point b) and Section 201 (2), Point b) of CPA, the text part „lay judges, prosecution secretaries, legal officials and clerks” shall be replaced by the text „lay judges, deputy prosecutors, lay judges, prosecution draftspersons, prosecution agents and court clerks” and the text part „county court” shall be replaced by the text „tribunal”,

h) in Section 34 of CPA, the text part „prosecution secretary” shall be replaced by the text „deputy prosecutor”, while the text part „clerk” shall be replaced by the text „agent”,

i) in Section 44 (5) of CPA, the text party „county court” shall be replaced by the text „tribunal”,

j) in Section 206/A (5) of CPA, the text part „county (metropolitan) court” shall be replaced by the text „tribunal”,

k) in Section 215 (2) of CPA, the text part „to the county court” shall be replaced by the text „to the tribunal”,

l) in Section 241 (2), Section 460 (3) and Section 488 of CPA, the text part „prosecution secretary” shall be replaced by the text „deputy prosecutor”,

m) in Section 448 (2) of CPA, the text part „the National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”,

n) in Section 472 (5) of CPA, the text part „county court” shall be replaced by the text „tribunal”, while the text part „the National Judicial Board” shall be replaced by the text „the National Judicial Office”,

o) in Section 473 (2) of CPA, the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”,

p) in Section 604 (5), Point c) of CPA, the text part „National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”.

66. Amendment to Act III of 1952 on Civil Proceedings

Section 204

In Act III of 1952 on Civil Proceedings,

a) in Section 10 (1) and (2), Point a), the text part „county court (Metropolitan Court)” shall be replaced by the text „tribunal”,

b) in Section 10 (2), Point b), the text part „to the county court (Metropolitan Court)” shall be replaced by the text „to the tribunal”,

c) in Section 10 (2), Point c) and (3), Section 18 (2), Section 45 (2), Point c), Section 67 (3), Section 73/A (1), Point a), Section 214 (2), Section 235 (4), Section 262/A, Section 270 (1), Section 271 (1), Point e), Section 273 (1), the opening text of Paragraph (2) and Paragraph (4), Section 275 (1)–(7) and Section 340/A (2) and (3), the text part „Supreme Court” shall be replaced by the text „the Curia”,

d) in Section 11 (5), Section 114/B (3), Section 235 (3), Section 273 (3) and (5) and Section 274 (1), the text parts „Supreme Court” shall be replaced by the text „the Curia”,

e) in Section 14, the opening text of Section 23 (1) and Points f) and o), Section 45 (2), Point a), Section 73/A (1), Point b), Section 147 (2), Section 235 (3), Section 326 (9), Section 358, Section 367, the opening text of Section 386/A (1) and Section 394/B (1), Point d), the text part „county court” shall be replaced by the text „tribunal”,

f) in Section 18 (2) and Section 249 (2), the text part „county court” shall be replaced by the text „tribunal”,

g) in Section 22 (1), the text part „county courts” shall be replaced by the text „tribunals”,

h) in Section 23 (2), the text part „to county courts” shall be replaced by the term „to tribunals”, while the text part „county court” shall be replaced by the text „tribunal”,

i) in Section 41 (6), Point a), the text part „county court” shall be replaced by the text „tribunal”, while the text part „Metropolitan Court and Pest County Court” shall be replaced by the text „Metropolitan Tribunal and Greater Budapest Tribunal”,

j) in Section 45 (2), Point b), the text part „local, county and labour courts” shall be replaced by the text „local courts, tribunals and labour courts” and the text parts „local, county or labour court” shall be replaced by the text „local court, tribunal or labour court”,

k) in Section 47 (1), the text part „The Supreme Court upon the motion of the President of the National Judicial Board” shall be replaced by the text „The President of the National Judicial Office”,

l) in Section 94 (1), the text part „at the county court” shall be replaced by the text „at the tribunal”,

m) in Section 102 (6), the text part „the Office of the National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”,

n) in Section 114/B (3), the text parts „county court” shall be replaced by the text „tribunal”,

o) in Section 149 (3), the text part „county (metropolitan) court” shall be replaced by the text „tribunal”,

p) in Section 270 (2), the text part „from the Supreme Court” shall be replaced by the text „from the Curia”,

q) in Section 272 (4) and Section 340/A (2), the text part „to the Supreme Court” shall be replaced by the text „to the Curia”,

r) in Section 311 (5), the text part „the Office of the National Judicial Board” shall be replaced by the text „the President of the National Judicial Office” and the text part „The Office” shall be replaced by the text „The President”,

s) in Section 326 (6) and (7), the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”,

t) in Section 326 (13), the text parts „county court” shall be replaced by the text „tribunal”, while the text parts „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”,

u) in Section 328 (2), the text part „at the county court” shall be replaced by the text „at the tribunal”,

v) in Section 394/D (1), the text part „county courts” shall be replaced by the text „tribunals”,

w) in Section 395 (4), Point a), the text part „National Judicial Board” shall be replaced by the text „the President of the National Judicial Office”.

67. Amendment to Act CLXXXIV of 2010 on the Names and Head Offices of Courts and the Designation of Their Territorial Jurisdiction

Section 205

(1) Section 4 of Act CLXXXIV of 2010 on the names and head offices of courts and the designation of their territorial jurisdiction shall be supplemented with the following Paragraph (4):

„(4) The legal successor of the Pest County Labour Court is the Greater Budapest Labour Court.”

(2) In Act CLXXXIV of 2010 on the names and head offices of courts and the designation of their territorial jurisdiction,

a) in Section 1 (1) and Section 2 (3), the text part „county courts” shall be replaced by the text „tribunals”,

b) in Section 1 (3) and Section 2 (5), the text part „Supreme Court” shall be replaced by the text „Curia”,

c) in Section 3 (1) and (2), the text part „at county courts” shall be replaced by the text „at tribunals”,

d) in Section 4 (2), the text parts „Zala County Court” shall be replaced by the text „Zalaegerszeg Tribunal”,

e) in the title of Annex Annex No. 1, the text part „county courts” shall be replaced by the text „tribunals”,

f) in sub-title 1 of Annex Annex No. 1, the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”, in sub-title 2, the text part „Baranya County Court” shall be replaced by the text part „Pécs Tribunal”, in sub-title 3, the text part „Bács-Kiskun County Court” shall be replaced by the text „Kecskemét Tribunal”, in sub-title 4, the text part „Békés County Court” shall be replaced by the text „Gyula Tribunal”, in sub-title 5, the text part „Borsod-Abaúj-Zemplén County Court” shall be replaced by the text „Miskolc Tribunal”, in sub-title 6, the text part „Csongrád County Court” shall be replaced by the text „Szeged Tribunal”, in sub-title 7, the text part „Fejér County Court” shall be replaced by the text „Székesfehérvár Tribunal”, in sub-title 8, the text part „Győr-Moson-Sopron County Court” shall be replaced by the text „Győr Tribunal”, in sub-title 9, the text part „Hajdú-Bihar County Court” shall be replaced by the text „Debrecen Tribunal”, in sub-title 10, the text part „Heves County Court” shall be replaced by the text part „Eger Tribunal”, in sub-title 11, the text part „Jász-Nagykun-Szolnok County Court” shall be replaced by the text „Solnok Tribunal”, in sub-title 12, the text part „Komárom-Esztergom County Court” shall be replaced by the text „Tatabánya Tribunal”, in sub-title 13, the text part „Nógrád County Court” shall be replaced by the text „Balassagyarmat Tribunal”, in sub-title 14, the text part „Pest County Court” shall be replaced by the text „Greater Budapest Tribunal”, in sub-title 15, the text part „Somogy County Court” shall be replaced by the text „Kaposvár Tribunal”, in sub-title 16, the text part „Szabolcs-Szatmár-Bereg County Court” shall be replaced by the text „Nyíregyháza Tribunal”, in sub-title 17, the text part „Tolna County Court” shall be replaced by the text „Szekszárd Tribunal”, in sub-title 18, the text part „Vas County Court” shall be

replaced by the text „Szombathely Tribunal”, in sub-title 19, the text part „Veszprém County Court” shall be replaced by the text „Veszprém Tribunal” and in sub-title 20, the text part „Zala County Court” shall be replaced by the text „Zalaegerszeg Tribunal”,

g) in sub-title 14/13 of AnnexAnnex 1, the text part „Pest County” shall be replaced by the text „Greater Budapest”,

h) in AnnexAnnex 3, the text part „county courts” shall be replaced by the text „tribunals”,

i) in sub-title 1 of AnnexAnnex 3, the text part „Metropolitan Court” shall be replaced by the text „Metropolitan Tribunal”, in sub-title 2, the text part „Csongrád County Court” shall be replaced by the text „Szeged Tribunal”, in sub-title 3, the text part „Győr-Moson-Sopron County Court” shall be replaced by the text „Győr Tribunal”, in sub-title 4, the text part „Hajdú-Bihar County Court” shall be replaced by the text „Debrecen Tribunal” and in sub-title 5, the text part „Somogy County Court” shall be replaced by the text „Kaposvár Tribunal”.

68. Amendment to Act CL of 2011 on the Amendment of Certain Laws with Criminal Aspects

Section 206

In Section 81, Point a) of Act CL on the amendment of certain laws with criminal aspects, the text part „in Section 20/A and in Section 22” shall enter into force with the text „in Section 22”.

Chapter XVII

Legal Rules and Provisions Ceasing to Have Effect

69. Legal Rules Ceasing to Have Effect

Section 207

Act LXVI of 1997 on the organisation and administration of courts shall cease to have effect.

70. Provisions Ceasing to Have Effect

Section 208

(1) The following provisions of CPA shall cease to have effect:

a) Sections 440–445,

b) in Section 601 (1), the text parts „from county courts and” and „the Metropolitan Court and”.

(2) The following provisions of JEA shall cease to have effect:

a) Section 8 (1), Point b),

b) in Section 104 (1), the text part „the deputy head of the Office of the NJB”,

c) Section 125 (2),

d) Paragraph 1 of AnnexAnnex No. 6.

(3) The following provisions of CPA shall cease to have effect:

- a) in Section 10 (4), the text part „while wherever it provides for county courts, it shall be construed as the „Metropolitan Court”,
- b) Section 212 (2).

Section 209

- a) Section 178 (1)–(4) and Sections 179–184, and
- b) Sections 198–206

of the Act shall cease to have effect.

Act CLXII of 2011

on the legal status and remuneration of judges¹²

For the purposes of applying the constitutional principle of independence and impartiality of judges in full and based on Articles 25-28 of the Fundamental Law, Parliament shall adopt the following Act on rules of the legal status, remuneration and career paths of judges to implement the Fundamental Law:

Chapter I Service of Judges

1. Principles

Section 1

- (1) Judges shall be independent in their administration of justice.
- (2) Judges shall serve as members of the judicial structure.

Section 2

- (1) Judges shall be entitled to the same immunity as Members of Parliament.

(2) To lift the immunity of the President of the Curia and the President of the National Judicial Office (hereinafter: NJO), Parliament requires a decision with a two-thirds majority of the votes of the Members of Parliament present, and the necessary measures shall be taken by the Speaker of the House concerning any breach of immunity.

(3) To lift the immunity of judges, the President of the Republic shall make a decision based on a proposal by the President of the NJO. In the event of a breach of immunity, the necessary measures shall be taken by the President of the Republic based on a proposal by the President of the NJO.

(4) Lay judges shall be entitled to immunity in terms of activities related to their participation in the administration of justice. During and after their terms of office, lay judges shall not be liable before courts or other authorities for their participation in the administration of justice, and for facts and opinions they disclosed during their terms of office. This immunity shall not apply to abuse of information classified as top secret or secret, to insults, slander, defamation, and to the civil liability of lay judges. Immunity shall be granted for insults against persons exercising official authority or politically exposed persons and for slander and defamation in the event the lay judge was not aware that the information was substantially false.

¹ The Act was adopted by Parliament at its session on 28 November 2011.

² The Act contains the amendments of Act CXI. of 2012.

(5) The provisions in Paragraph (3) shall be applied to waive the immunity of the lay judge and to take appropriate measures in cases where immunity is breached.

2. Service of Judges

Section 3

(1) Judges shall be appointed to serve.

(2) Judges shall be appointed by the President of the Republic.

(3) An appointment shall be made if

a) a person who does not serve as a judge wins the call for the submission of applications;

b) under the Act, a person must be appointed, without a call for the submission of applications, who does not already serve as a judge;

c) a judge appointed for a fixed period must be appointed ~~for another fixed period or~~ for an indefinite duration;

d) a military judge shall be appointed as judge upon the termination of his or her position as military judge, provided the conditions set forth in the Act prevail.

(4) If a judge formerly removed from office by the President of the Republic must be returned to office following a labour dispute, the President of the Republic shall make an appointment for a fixed period or for an indefinite duration as per the appointment preceding the removal.

(5) The appointment proposal and the instrument of appointment shall contain the starting date of the judge's service and the term of office in the case of an appointment for a fixed period, or reference to an appointment for an indefinite duration.

3. Terms and Conditions of Judicial Appointments

Section 4

(1) In Hungary only persons having reached the age of thirty years may be appointed judges, provided they

a) are Hungarian citizens,

b) have proper capacity,

c) have a university degree in law,

d) have passed the professional law examination,

e) agree to issue a declaration of property in line with the provisions of the Act,

f) have, for a minimum of one year,

fa) worked as an officer of the court, vice-prosecutor, lawyer, notary, or legal counsel,

fb) worked as a government or civil servant at a central administrative body or in a position requiring an administration or legal examination,

fc) worked as a constitutional judge, judge, military judge or prosecutor,

fd) administered justice at an international organization or any body of the European Union, or have conducted activities related to the administration of justice,

g) are suitable to hold judicial office based on the results of the professional aptitude test.

(2) Persons may not be appointed as judges who

- a) have a criminal record,
- b) are prohibited from professions requiring a university degree in law,
- c) have no criminal record, but whose criminal liability for committing an offence has been declared in a final decision by the court
 - ca) have been sentenced to at least five years' imprisonment for intentional offences, for twelve years from the exemption,
 - cb) have been sentenced to a maximum of five years' imprisonment for intentional offences, for ten years from the exemption,
 - cc) have received a suspended sentence for intentional offences, for eight years from the exemption,
 - cd) have been sentenced to community service or payment of a financial penalty for intentional offences, for five years from the exemption,
 - ce) have received a suspended financial penalty for intentional offences, for three years from the exemption,
 - cf) have been sentenced to a maximum of five years' imprisonment for unintentional offences, for eight years from the exemption,
 - cg) have been sentenced to suspended imprisonment for unintentional offences, for five years from the exemption,
 - ch) have been sentenced to community service or payment of a financial penalty for unintentional offences, for three years from the exemption,
- d) have been placed in a psychiatric institution by the court, for three years from when the end of the placement in a psychiatric institution becomes binding,
- e) have been on judicial probation, if the term is extended, for three years after the termination of the extended probation period,
- f) are under criminal proceedings, not including proceedings initiated by private prosecution or substitute private prosecution indictment, until the legally binding termination of the criminal proceedings,
- g) have received the highest administrative penalty in a disciplinary procedure as judge, prosecutor, government official, civil servant, notary, lawyer, bailiff, public sector employee, professional member of any armed organization, court worker, deputy prosecutor, prosecutor apprentice, trainee lawyer, or deputy notary as long as the administrative penalty applies.

(3) For persons who have worked at least 3 years in a position requiring the law examination as per Point f) Paragraph 1), six months of this period may count towards the statutory term of office as court clerk as per Point f) Paragraph 1).

4. Specific Terms and Conditions of Appointment of Judges Proceeding in Military and Patent Cases

Section 5

(1) A further precondition of appointment as a military judge is that the person to be appointed shall be an officer of the Hungarian Defence Forces. The proposal concerning the appointment shall be subject to the prior agreement of the minister responsible for defence. A military judge shall be appointed for that particular post.

(2) Simultaneously with the appointment, the minister responsible for defence shall transfer the military judge to an unattached status. The military judge shall fulfil his service at the relevant court organisation until the cessation of his office as judge.

(3) Based on the recommendation of the President of the NJO, the President of the Republic may grant exemption from the conditions set forth in Section 4 (1), Points c), d) and f) in the case of a judge proceeding in patent cases, provided that the person to be appointed has a university degree.

5. Professional Aptitude Test

Section 6

(1) The professional aptitude test shall include health, physical and psychological eligibility screening tests. As part of these, it is necessary to explore any psychological and health factors that may exclude or may have a significant impact on the performance of work as a judge and to examine the intelligence and character traits of the judge's personality. Based on criteria determined in a rule of law, a decision shall be reached as to whether, based on his character traits, the candidate is suitable and eligible for the performance of work in the capacity of judge as anticipated.

(2) Professional aptitude tests and professional aptitude reviews shall be conducted by a panel of experts comprised of judicial experts appointed by the minister responsible for justice, in agreement with the President of the NJO. Annex No. 5 to the present Act contains a list of the competencies to be tested.

(3) The expert opinion that shall also contain a detailed evaluation of the test and the finding concerning the candidate's eligibility shall be valid for three years, unless a circumstance warranting the performance of an extraordinary professional aptitude test emerges, and may be used in the event of the submission of a new application.

(4) The expert opinion also containing a detailed evaluation of the professional aptitude test that determines the candidate's eligibility shall be sent to the candidate.

(5) The costs of a professional aptitude test shall be covered by the candidate. The President of the NJO shall refund the cost of the professional aptitude test to the awarded candidate.

(6) A separate rule of law shall provide for the detailed rules regarding the criteria, method and procedure of professional aptitude tests and professional aptitude reviews.

Chapter II Judge Candidacy Proceedings

6. Invitation of Applications

Section 7

(1) Except as set forth in Section 8, applications shall be invited for available vacant judge positions.

(2) In the course of the selection procedure, guarantees shall be upheld to ensure that the position of judge shall be awarded to the most suitable candidate as a result of public candidacy proceedings providing equal opportunities for all candidates satisfying the statutory conditions as well as the conditions determined in the invitation of applications, as regulated in the present Act.

Section 8

(1) No applications shall be invited in the cases determined

- a) in Section 3 (4),
- b) in Section 23 (3),
- c) in Section 24 (3),
- d) in Section 34 (2),
- e) in Section 58 (3) and (4),
- f) in Section 62 (3),
- g) in Section 64 (2) and
- h) in Section 97 (3).

(2) There is likewise no need for inviting applications in cases where, based on the Act on the organisation and administration of courts, the President or Vice-President of the Curia, the President or Vice-President of the NJO or any other court leader is transferred to an actual judicial position following the cessation of their mandate in that capacity.

(3) If a Member of Parliament or Member of the European Parliament was a judge before his election and declared upon the cessation of his mandate that he requested his repeated appointment as a judge and satisfies the conditions necessary for appointment as a judge (not including participation in a professional aptitude test), he shall be appointed on request as a judge by the President of the Republic, based on the recommendation of the President of the NJO, for an indefinite term. Following this, the President of the NJO shall transfer the judge to an actual judicial position or, in justified cases, to the position of chair of the chamber, at the service post where the judge served prior to his election as a member of parliament but at a minimum equivalent service post, preferably in the locality of the judge's residence.

Section 9

(1) The President of the NJO shall be entitled to invite applications.

(2) The chair of the court shall notify the President of the NJO of any vacant positions simultaneously with initiating the exemption of a judge in the case of exemption or, in the case of the cessation of the judicial service relationship for any other reason, within 8 working days of becoming aware of the circumstance leading to the cessation of the judicial service relationship.

(3) The President of the NJO shall, within 15 days of notification of the cessation of a judicial service relationship, notify the chair of the court whether he will or will not invite applications for the vacant judicial position or whether he will assign the position to another court, and shall decide on the invitation of applications for the filling of the vacant position within 6 months of notification or shall fill the position without inviting applications on the basis of the rules of law.

Section 10

(1) The invitation of applications shall state all conditions necessary for appointment as a judge.

(2) Candidacy conditions not regulated by law may be prescribed in the case of or in connection with special expertise necessary for the given position; candidates shall be specifically informed of any such conditions in the invitation of applications. The conditions of candidacy shall also state if applications are invited on the basis of Section 33 of the present Act.

(3) Invitations of applications shall be published in the official journal of courts as well as on the central Internet website of courts in a way that is accessible for all.

7. Submission of Applications

Section 11

(1) Applications shall be submitted to

- a) the chair of the district court in the case of applications invited for a position at a district court,
- b) the chair of the administrative and labour court in the case of applications invited for a position at an administrative and labour court,
- c) the chair of the tribunal in the case of applications invited for a position at a tribunal,
- d) the chair of the court of appeal in the case of applications invited for a position at a court of appeal,
- e) the President of the Curia in the case of applications invited for a position at the Curia.

(2) The chair of the court may hear the candidate.

(3) In the case of applications invited for a position at a district court or an administrative and labour court, the chair of the court shall send the applications to the chair of the tribunal within 5 working days of the expiry of the deadline for the submission of applications. The chair of the district court or administrative and labour court may hear candidates before the forwarding of the applications.

Section 12

(1) Upon the submission of an application for a judicial position, the candidate shall

- a) verify the data and facts necessary for appointment as a judge, and
- b) verify on the basis of a certificate issued by the relevant authority that the circumstances determined in Section 4 (2), Points a)–f) do not exist in respect of his person,
- c) verify that he has a valid professional aptitude test result.

(2) Candidates shall state their immediate contact details (e-mail address, telephone and fax numbers, etc.) in their applications.

Section 13

If a candidate's application is received belatedly, it shall be refused by the chair of the court, not including the chair of a district court and the chair of an administrative and labour court; candidates submitting incomplete applications [Sections 12 and 45 (1)] shall be invited to supply any missing details within the deadline stated. Should they fail to supply the requested data, their applications shall be refused.

8. Ranking of Applications

Section 14

(1) Within 15 days of the expiry of the deadline for the submission of applications, the panel of judges

- a) of the tribunal in the case of applications invited for a position at a district court, administrative and labour court and tribunal,
- b) of the court of appeal in the case of applications invited for a position at a court of appeal,
- c) of the Curia in the case of applications invited for a position at the Curia

(hereinafter referred to as the „panel of judges”) shall hear the candidates and shall rank the applications on the basis of the points scored.

(2) In the case of applications invited for a position at a district court or administrative and labour court, the time limit referred to in Paragraph (1) shall commence upon the receipt of the applications by the chair of the tribunal.

(3) In the event of the submission of missing details, the time limit referred to in Paragraphs (1) and (2) shall commence after the completion of the proceedings aimed at the submission of missing details.

(4) Only the following criteria may be taken into consideration upon the ranking of applications:

- a) result of professional evaluation of term of experience as legal official and lay judge or term of service as a judge; in the case of a candidate with no judicial practice, evaluation of former employer,
- b) term of practical experience or term of service after passage of bar examination,
- c) in the case of a candidate applying for a position at a tribunal, court of appeal or the Curia (hereinafter referred to as „senior judicial position”), opinion of the relevant division,
- d) result of professional aptitude test,
- e) result of bar examination,
- f) academic degree,
- g) specialisation or any other post-graduate degree (relevant to position),
- h) studies completed abroad in area of specialisation after acquisition of law degree,
- i) language skills,
- j) publications in the field of law,
- k) results achieved in mandatory training courses organised as part of an occupation in the field of law tied by law to a bar examination and participation in optional training courses,
- l) other extra professional activities that may be relevant to the fulfilment of the given judicial position,
- m) result of hearing before the panel of judges,

n) opinion of chair of district court or administrative and labour court offering vacant position.

(5) The minister responsible for justice shall determine the individual scores that may be assigned to the criteria listed in Paragraph (4) with a view to applications submitted for judicial or senior judicial positions. In the case of a candidate applying for a senior judicial position, upon the weighting of the criteria set forth in Paragraph (4), particular significance shall be attributed to the criteria stated in Points a) and c).

Section 15

(1) In ranking candidates, the panel of judges may not depart from the ranking determined on the basis of the scores.

(2) If there are multiple candidates in the same position in the ranking with the same score, their order shall be determined based on the result of the hearing by the judicial council. If the applicants achieved the same score at the hearing as well, the judicial council shall determine the order on the basis of a written, justified decision adopted by simple majority.

(3) The panel of judges shall, without delay, forward the ranking of candidates and the applications, and further, in the case referred to in Paragraph (2), the written, justified decision, to the chair of the tribunal or court of appeal or the President of the Curia.

Section 16

(1) If the chair of the tribunal or court of appeal agrees that the candidate ranked number one fill the position, he shall send the ranking of the applications and the applications to the President of the NJO for the assessment of the applications within 8 working days.

(2) The chair of the tribunal or court of appeal may depart from the ranking set up by the panel of judges and may also recommend the candidate ranked second or third for the position. If the chair of the tribunal or court of appeal recommends a candidate for the position other than the candidate ranked number one based on the ranking determined by the panel of judges, he shall justify this in writing and shall send his justified recommendation, the ranking of applications and the applications to the President of the NJO for assessment within 8 working days.

9. Assessment of Applications

Section 17

Applications shall be assessed by the President of the NJO or, in the case of applications invited for a position at the Curia, by the President of the Curia.

Section 18

(1) If the President of the NJO agrees that the candidate occupying the first place in the shortlist shall be appointed and the candidate first on the shortlist is not a judge, he or she shall rule on the call for the submission of applications by forwarding it to the President of the Republic for appointment within 8 working days.

(2) If the President of the NJO agrees that the candidate occupying the first place in the shortlist shall fill the post and the candidate first on the shortlist is a judge, he or she shall rule on the call for the submission of applications within 8 working days by transferring the judge.

(3) The President of the NJO may deviate from the ranking set up by the judicial council in accordance with the provisions set out in Paragraphs (4) and (5), and may propose for appointment as a judge a candidate ranking second or third, and may also adjudicate the application by rearranging the order of the second and third ranking candidates.

(4) If the proposed candidate is not a judge, then the President of the NJO shall send the NJC the applications of the first three candidates by indicating the candidate proposed, accompanied by a proposal in writing containing the reasons for the deviation, in order to obtain its consent. The NJC shall decide on the proposal within 15 days. If the NJC agrees with the proposal of the President of the NJO, the President of the NJO shall submit the candidate for appointment to the President of the Republic within 8 working days. If the NJC does not agree with the proposal of the President of the NJO, the President of the NJO shall submit the first-ranking candidate for appointment to the President of the Republic within 8 working days, if he/or she is not a judge, or if the first-ranking candidate is a judge, transfer him/her within 8 working days, or make a new proposal to the NJC, or declare the application procedure unsuccessful.

(5) If the proposed candidate is a judge, then the President of the NJO shall send the NJC the applications of the first three candidates by indicating the candidate proposed, accompanied by a proposal in writing containing the reasons for the deviation, in order to obtain its consent. The NJC shall decide on the proposal within 15 days. If the NJC agrees with the proposal of the President of the NJO, the President of the NJO shall transfer the judge within 8 working days. If the NJC does not agree with the proposal of the President of the NJO, the President of the NJO shall transfer the first-ranking candidate, if he/she is a judge within 8 working days, or if the first-ranking candidate is not a judge, submit the candidate for appointment to the President of the Republic within 8 working days, or make a new proposal to the NJC, or declare the application procedure unsuccessful.

Section 19

In the case of a call for applications to the Curia, the provisions of Section 18 shall be applied with the exception that the powers of the President of the NJO shall be exercised by the President of the Curia, and if the call for applications is successfully adjudicated, the President of the Curia shall contact the President of the NJO regarding the transfer or appointment recommendation within 8 working days, who shall comply with the request of the President of the Curia within 8 working days.

10. Unsuccessful Candidacy Proceedings

Section 20

(1) Candidacy proceedings shall qualify as unsuccessful if no application is received or if the chair of the court refused the applications as set forth in Section 13 and further if the President of the NJO authorised to assess applications or, in the case of applications invited for a position at the Curia, the President of the Curia, does not wish to offer the position to any of the candidates.

(2) If the candidacy proceedings are unsuccessful, new proceedings shall be invited.

11. Notification of Candidates and Judicial Review Against the Result of the Call for Applications

Section 21

(1) The President of the NJO shall notify the chair of the court inviting the applications, not including applications invited for a position at the Curia, of the outcome of the proceedings.

(2) The chair of the court shall inform candidates of the result of the proceedings in writing and shall simultaneously inform candidates of their rankings and scores.

(3) The President of the NJO shall publish his/her decisions on the transfer of judges on the official website of the courts and on the central website, and in the official journal of the courts.

(4) In case of a successful call for applications, applicants that participated in the call and were not rejected pursuant to Section 13 can submit an objection within a 15-day forfeit deadline after the publication of the decision on the appointment of the successful applicant in the Official Journal or after the publication of the decision on the transfer of the successful candidate set out in paragraph (3), if the successful candidate does not meet the requirements for becoming a judge laid down in law, or if the successful candidate does not meet the conditions listed in the call for applications.

(5) The objection shall be submitted in writing to the President of the court affected by the call for applications, and – with the exception of calls for application to the Curia – the President shall forward it to the President of the NJO within 5 working days. The objection shall be addressed to the President of the NJO or, in case of call for applications to the Curia, to the President of the Curia. The President of the NJO or the Curia shall forward the objection within 5 working days to the administrative and labour court with jurisdiction for Budapest that has exclusive jurisdiction to hear the case.

(6) The administrative and labour court shall adjudicate the objection within 15 days in out-of-court proceedings. In the case of the appointment of judges, the administrative and labour court shall review the fulfilment of the conditions related to the appointment of judges on the base of the provisions laid down in Section 4 (1) a), c), d), f) and g), in Section 4 (2) and in Section 5 (1) of this Act. In the case of transfer of judges, the administrative and labour court shall only review the fulfilment of the conditions laid down in the call for applications. If the administrative and labour court finds that the successful candidate cannot become a judge pursuant to the rules regarding the terms and conditions of judicial appointments in this Act, or the successful candidate does not meet the conditions laid down in the call for applications, the decision shall be communicated to the candidate who submitted the objection and – with a view to take the necessary measures – to the adjudicator of the application and the President of the Republic. If the objection is unfunded, the administrative and labour court shall reject it, and communicate the decision to the candidate who submitted the objection, the adjudicator of the application and the President of the court affected by the call for applications.

12. Oath

Section 22

(1) Judges shall take an oath before the chair of the court prior to the commencement of their judicial activities, within 8 working days of their appointment. The text of the oath shall consist of the text of the oath set forth in Act XXVII of 2008 on the Oath and Pledge of Certain Public Law Officials and the following text preceding the closing sentence thereof:

„I hereby do solemnly swear that I shall assess the cases entrusted to me in fair proceedings, without bias, conscientiously, solely in accordance with the rules of law; in the fulfilment of my duties, I shall be driven by the desire to uphold justice and equity.”

(2) Designation of title in the text of the oath set forth in Act XXVII of 2008 on the Oath and Pledge of Certain Public Law Officials for the purposes of the oath under Paragraph (1): judge.

(3) If a judge is prevented from taking his oath, he may take the oath within eight working days of the cessation of the obstacle but within three months of his appointment, at the latest.

(4) An oath may be taken by a judge who submitted a financial disclosure statement.

Chapter III

Term of Judicial Appointment, Position, Transfer and Secondment of Judges

13. Term of Judicial Appointment

Section 23

(1) Except as set forth in Paragraph (2) ~~and Section 25 (2) and (4)~~, judges shall be appointed for three years for the first time (first judicial appointment), while in other cases, for an indefinite term.

(2) Based on the recommendation of the assessor of the application, the first judicial appointment shall be made for an indefinite term if the judge

a) previously worked as a judge or military judge for minimum three years prior to his appointment, unless a rule of law provides otherwise,

b) worked as a constitutional judge or passed judgments at one of the agencies of the European Union or engaged in activities related to the administration of justice directly before his appointment and obtained minimum five years' professional expertise,

c) acquired outstanding legal expertise in the area of academic studies or education.

(3) If a judge's service relationship was terminated on the basis of Section 90, Point g) or n) and requests his repeated appointment as a judge within 30 days of the expiry of his mandate referred to therein, he shall be appointed, on request, by the President of the Republic, based on the recommendation of the President of the NJO, for a fixed or indefinite term, with a view to his appointment prior to the cessation thereof, without an application. In the case of employment in a judge's position, the provisions set forth in Section 58 (3) and (4) shall govern, while the time completed in the legal relationship referred to in Section 90, Points g) and h) shall be taken into consideration as service time.

Section 24

(1) The chair of the court shall obtain the declaration of a judge appointed for a fixed term as to whether he requests his appointment as a judge for an indefinite term 90 days prior to the expiry of the fixed term.

(2) If the judge requests his appointment for an indefinite term, it is necessary to look into the judge's work during the entire term of his operation as a judge, provided that the term of his actual operation as a judge exceeded 18 months prior to the beginning of the time limit determined

in Paragraph (1), with regard to the provisions set forth in Section 25 (3). The investigation shall be conducted in accordance with the rules set forth in Chapter V, with the proviso that it shall be concluded within 30 days of the institution thereof and, as part of the evaluation, a statement shall be issued as to whether the judge is suitable for appointment for an indefinite term.

(3) If the judge was found suitable for appointment for an indefinite term, the appointment recommendation shall be presented to the President of the Republic, without the invitation of applications, 30 days prior to the last day of the third year.

Section 25

(1) If a judge does not request his appointment as a judge for an indefinite term or is found, as a result of the investigation mentioned in Section 24 (2), unsuitable for appointment, his judicial service relationship shall cease on the last day of the third year reckoned from the day of his appointment.

(2) If the term of the judge's actual judicial work did not reach 18 months, the President of the Republic shall – upon proposal by the President of the NJO, by way of the modification the appointment – extend the appointment of the judge by three years, unless the judge does not wish to maintain his/her service relationship. The submission of the proposal shall be governed by the provisions set out in Section 24 (3). The appointment of the judge can be repeatedly extended until the total actual judicial work reaches the 18 months minimally required for assessment.

(3) In the case of part-time employment, the term completed in part-time employment may be taken into consideration as part of the actual minimum term of operation as a judge referred to in Section 24(2) in relation to its ratio to full-time employment.

~~(4) A judge shall be given a repeated appointment for a fixed term of 3 years if he is awarded an evaluation „eligible, subsequent assessment required” as a result of the test under Section 24(2). The provisions set forth in Section 24 and Paragraphs (1) to (3) shall also duly apply in the case of a repeated appointment for a fixed term.~~

14. Posting of Judges

Section 26

(1) Judges shall be posted upon their first appointment by the President of the NJO, and thereafter by the President of the Curia for positions at the Curia, the chair of the court of appeal for positions at a court of appeal and the chair of the tribunal for positions at tribunals, administrative and labour courts and district courts.

(2) Judges shall be posted in writing, as part of which it is mandatory to state the judge's service post, position, the beginning of his term of service, pay grade, the basic salary attached thereto, the grounds for and amount of any supplements and the date of his next mandatory promotion.

(3) A judge's position shall be valid for an indefinite term, with the exception of the first appointment for a fixed term and the **case** determined in Section 25 (2) **and (4)**.

(4) If a judge's position is not filled via the invitation of applications, the judge's posting shall also be subject to the judge's consent.

(5) If the posting of a judge at a court in another locality is also warranted by interests related to the administration of justice, the costs related to his relocation shall be reimbursed.

15. Specific Cases of Posting of Judges and Other Employment in Departure from Position Assigned

Section 27

(1) Based on the recommendation of the chair of the court, the President of the NJO shall post a military judge to the military chamber and to any other judicial position upon the cessation of his service relationship as a professional member of the Hungarian Defence Forces on the basis of Section 97 (3).

(2) The President of the NJO may also post a judge to the NJO, while based on the recommendation of the President of the Curia, to the Curia, or in agreement with the minister responsible for justice, to the ministry headed by the minister responsible for justice (hereinafter referred to as the „Ministry”).

(3) In the cases referred to in Paragraphs (1) and (2), the judge’s posting shall be subject to the judge’s consent.

Section 28

(1) Based on the decision of the President of the NJO, a judge may, with his consent, be posted on long-term secondment abroad. A judge posted on long-term secondment abroad may retain his office as a judge but may only engage in the administration of justice as part of his service abroad; his posting in an actual judicial position after the completion of his service abroad shall be governed by Section 58 (3) and (4).

(2) Based on the decision of the President of the NJO, a judge posted on long-term secondment abroad shall be entitled to the reimbursement of his costs arising in connection with his activities as part of his service abroad not borne or covered by an international organisation or the European Union, over and above the remuneration he is entitled to under the present Act.

(3) The term of a judge’s long-term secondment abroad shall be regarded as time completed at the service post occupied prior to the commencement of his long-term secondment abroad.

Section 29

(1) The person exercising the employer’s rights may, with the judge’s written consent, engage the judge to fulfil administrative duties, exclusively or partially, for a fixed or indefinite term.

(2) The President of the NJO may engage a judge, with the judge’s consent and in agreement with the chair of the court exercising the employer’s rights in respect of the judge, to fulfil separate assignments in the interest of the coordinated implementation of central administrative tasks involving multiple courts.

16. Appointment of Judges

Section 30

(1) Judges proceeding in administrative and labour cases shall be appointed by the President of the NJO on the basis of the recommendation of the chair of the tribunal in the case of tribunal judges.

(2) Judges administering justice in the cases defined in Section 17 (5) and (6) and Section 448 (2) of Act XIX of 1998 on Criminal Proceedings (hereinafter referred to as „CPA”) shall be appointed by the President of the NJO on the basis of the recommendation of the chair of the court.

(3) The powers referred to in Paragraphs (1) and (2) shall be duly exercised by the President of the Curia in respect of the judges of the Curia.

(4) Judges proceeding in proceedings aimed at the reviewing of unlawful municipality orders and instituted due to the non-observance of the statutory legislative obligation of local municipalities shall be appointed by the President of the Curia.

(5) The President of the Curia shall inform the President of the NJO of the persons of the judges appointed by him.

(6) The appointment of a judge shall be subject to the judge’s consent.

17. Temporary Secondment

Section 31

(1) The chair of the tribunal shall be entitled to give judges temporary assignments if these occur between a tribunal and district court, a tribunal and an administrative and labour court, and further if they emerge between district courts operating in the tribunal’s territory of jurisdiction or between a district court and an administrative and labour court operating in the tribunal’s territory of jurisdiction. In other cases, the President of the NJO shall be entitled to give orders for temporary secondment.

(2) A judge may be reassigned to another service post with a view to ensure an even distribution of caseload between courts or to promote his/her own professional development.

(3) A judge may be assigned without his/her consent to a judicial position at another service post on a temporary basis once every three years, for a maximum duration of one year, with a view to ensuring an even distribution of caseload between courts.

(4) A judge may only be re-assigned to another service post against the maintenance of his activities related to the administration of justice arising from his position with his consent.

(5) In the interest of the promotion of his professional development, a judge may be re-assigned to a tribunal, a court of appeal or the Curia upon the initiative of the chair of the tribunal or court of appeal or the President of the Curia.

Section 32

(1) If a judge is re-assigned to another post outside the tribunal’s territory of jurisdiction or a judge of a court of appeal is re-assigned to another post, the President of the NJO authorised to give the temporary secondment shall consult the chair of the

- a) tribunal,
- b) court of appeal

concerned.

(2) In the case of temporary secondment, the judge's fair interests shall be taken into consideration.

(3) A judge may not be re-assigned to a service post in a locality other than the locality of his residence, temporary residence or service post without his consent in the following cases:

- a) as of the initial diagnosis of pregnancy until the child completes the age of three years,
- b) if the judge raises his minor child on his own,
- c) if the judge looks after a relative in need of long-term nursing,
- d) in the event of the judge's long-term illness or serious health deterioration.

(4) For the purposes of the present Act, not including the provisions relating to the financial disclosure statement, relative shall be construed to include the persons defined in the Act on Civil Proceedings.

(5) Judges shall be informed of temporary secondment in writing, minimum 30 days prior to the commencement thereof, and shall be informed of the reason for, place, commencement and term of the secondment.

Section 33

(1) A judge may, subject to the temporal restriction set forth in the conditions of the invitation of applications for a judicial position, be re-assigned to another service post if this is necessary for the purpose of evening out a disproportionate case load amongst courts. The submission of an application shall be regarded as the judge's consent to the temporary secondment.

(2) In the case referred to in Paragraph (1), the judge shall be posted to the court at the temporary service post.

18. Transfer

Section 34

(1) If a judge fills a judicial position at another court on the basis of an application, the judge shall be transferred by the President of the NJO.

(2) If a court ceases to operate or when its competence decreases in a manner that the judicial work of a judge there is no longer possible, the President of the NJO shall – if a position at the Curia is affected, after consultation with the President of the Curia – offer the judge in question the available judicial posts in case of which the applications have not yet been adjudicated at courts that are at the same level of the judiciary, or on the next inferior or superior level at which the judge has been working. The judge can choose one of the posts offered within 8 working days. If the cease of operation of the court or the decrease of its competence makes it necessary to transfer more than one judge, the judges shall make their choices in decreasing order of age. If no vacant posts to be offered is available, or the judge does not accept any of the posts offered, the President of the

NJO shall transfer the judge, with a consideration of his/her fair interests, to a court on the same level of the judiciary or on the next inferior level.

(3) If the President of the NJO transfers a judge to an inferior court for the reason mentioned in Paragraph (2), the judge shall retain his former salary and shall be entitled to use the title referring to his previous position as a judge.

(4) If a judge initiates a service dispute regarding his/her transfer as set out in paragraph (2), the administrative and labour court may only review the decision of the President of the NJO with regard to the observance of the legislation governing the way in which the decision shall be made.

Chapter IV Rights and Responsibilities of Judge

19. Rights of Judges

Section 35

(1) The conditions required for judges to fulfil their responsibilities in an appropriate manner shall be ensured.

(2) The number of cases allocated to one judge shall be such that enables the application of procedural and administrative rules and commensurate workloads for judges.

(3) If the court hears high priority cases, and cases pursuant to the Chapters on high priority procedures of the Act on the Code of Civil Procedure, presiding judges shall be exempted from other responsibilities if necessary to observe procedural rules and deadlines.

(4) Judges shall be entitled to remuneration in accordance with the dignity of their office, the level of their liability and ensuring their independence.

20. Obligations of Judges

Section 36

(1) Judges shall hold their offices true to their oaths, they may not refuse to fulfil their responsibilities to administer justice, and in their cases they shall proceed in a conscientious manner without interruption.

(2) Judges shall act impartially in all cases and not be influenced in any way.

(3) Judges shall deflect any attempts aimed at influencing them, and inform the president of the court of any such attempts.

(4) During proceedings, judges shall conduct themselves in a fair and impartial manner towards their clients.

Section 37

(1) During and after their period of service, judges shall keep all classified information in safekeeping, and only a body authorized by an Act may lift this obligation of confidentiality.

(2) Judges shall conduct themselves in an impeccable manner worthy of their office, and refrain from any manifestations which would undermine the trust in judicial proceedings or the authority of the court.

(3) Judges shall pass judgment in their cases within a reasonable period set according to the required workload and the individual features of the proceedings.

(4) Judges shall promote the professional advancement of the court clerk and their public legal officials conscientiously and to the best of their ability.

(5) The obligation of judges conferred under their service relation shall include their compliance with the instructions of a court executive relating to administrative matters and not concerned with sentencing.

Section 38

During their service and within 15 working days of receiving written notice from the party exercising employer's rights, judges shall prove with an official certificate that no conditions as defined in Section 4 Paragraph (2) Points a)-f) apply to them.

21. Conflict of Interests

Section 39

(1) Judges may not be members of a political party or engage in any political activity.

(2) Judges may not be Members of Parliament, members of the European Parliament, local authority representatives, mayors or state leaders under the Act on central administrative bodies and on the legal status of Government members and state secretaries.

Section 40

(1) Beside their offices, judges may only perform scientific and educational, training, referee, artistic, copyright, as well as proof-reading, language editing, and technical creation work as paid activities, but this may not jeopardise or give the impression of jeopardising their independence and impartiality, and may not prevent them from fulfilling their official responsibilities.

(2) Judges shall not be directors or personally involved members in companies, cooperation companies or cooperatives, or members of Supervisory Boards in companies, cooperation companies or cooperatives, or members with unlimited liability of companies and cooperation companies, or sole traders.

(3) Judges shall only establish other legal relationships affecting their judicial service working hours in full or in part with the prior consent of the party exercising employer's rights. No legal dispute shall be initiated based on the refusal to give such consent.

(4) Judges shall duly report the establishment of other work or employment relationships not affecting their judicial service working hours to the party exercising employer's rights. The

party exercising employer's rights shall ban such relationships if they create a conflict of interest with the filled position pursuant to the provisions of this Act.

(5) Judges shall not be members of any arbitration court.

Section 41

The family members of the president, vice-president, chief justice, deputy chief justice, department leaders and deputy department leaders shall not work as judges at the same court, division or department.

Section 42

(1) Judges shall immediately report any conflicts of interest.

(2) Judges concerned shall initiate the termination of the reason causing the conflict of interest by agreement within 30 days from when the reason for the conflict of interest arises, or, for lack thereof, the judicial official defined in Section 41 shall be removed from office within 30 days by the appointing person.

(3) The President of the **NJC** may grant exemption in the event of conflicts of interest regulated in Section 41. Exemption from the ban on joint employment is an exceptional way of resolving conflicts of interest. This exemption may be granted if it is impossible to fill the specific management position in any other manner taking all conditions into consideration. Service interests shall be decisive factors when making this decision.

22. Declarations

Section 43

A judge may not publicly express an opinion on a case currently or previously before the court outside his service relationship, with special regard to cases adjudicated by him.

Section 44

(1) A judge may not provide information on cases under his administration for the press, radio stations and television channels.

(2) The chair of the court or a person engaged by him may provide information on cases in progress or completed for the press, radio stations and television channels.

23. Training of Judges

Section 45

(1) Judges shall attend regular, free-of-charge on-the-job training as necessary for engagement in the administration of justice and shall verify the fulfilment of the training obligation prescribed in the rules issued by the President of the NJO every five years towards the person exercising the employer's rights.

(2) If a judge fails to meet the obligation of training through his own fault, a screening test shall be instituted on an extraordinary basis and the judge may not submit an application for a more senior judicial position.

(3) The chair of the tribunal or court of appeal or the President of the Curia shall provide the conditions necessary for the fulfilment of the obligations set forth in Paragraph (1).

(4) The rules of the system of training under Paragraph (1) and of the fulfilment of the obligation of training shall be determined by the President of the NJO.

24. Use of Electronic Signature

Section 46

(1) Based on the provisions of a separate legal rule, judges shall furnish electronic documents generated in cases falling within their competence with official qualified or enhanced-security electronic signatures (hereinafter referred to as „electronic signature”).

(2) Judges shall use the services of an electronic signature service provider as defined in Act XXXV of 2001 on Electronic Signature (hereinafter referred to as „ESA”) designated by the President of the NJO for services related to electronic signatures (hereinafter referred to as the „Service Provider”).

(3) In the course of using, maintaining and terminating services related to electronic signatures, judges shall proceed in accordance with the provisions of ESA. Simultaneously with the notification provided for the Service Provider, judges shall notify the President of the NJO of the fulfilment of the obligation of notification set forth in Section 13 of ESA.

(4) Judges shall, without delay, notify the President of the NJO of the loss or disclosure to unauthorised persons of the data used for the generation of signatures, who shall notify the Service Provider thereof. The Service Provider shall, without delay upon the contact request of the President of the NJO, revoke the relevant certificate if the judge did not previously file a report on the loss or disclosure to unauthorised persons of data used for the generation of signatures.

(5) The President of the NJO shall initiate the revocation or suspension of a certificate issued for the certification of an electronic signature with the Service Provider in the event of a change in the judge’s position or the cessation or suspension of a judge’s service relationship or for any other reason. The Service Provider shall, without delay, revoke or suspend the certificate at the request of the President of the NJO.

(6) The detailed administrative rules related to the electronic signatures of judges shall be determined by the President of the NJO.

25. Working Hours of Judges

Section 47

The working time of judges shall be forty hours weekly. The working hours of judges may also be determined in a monthly or four-weekly frame of working hours based on a daily working time of eight hours.

Section 48

Judges shall perform work within the schedule of work set forth in the rules of organisation and operation of the court.

Section 49

(1) At the written request of a full-time judge, the employer shall stipulate part-time employment of twenty hours weekly in the instrument concerning his position if the judge takes unpaid leave upon the submission of the request until his child completes the age of three years for the purpose of the home care of his child.

(2) The employer may only refuse the judge's request for an irregular schedule of working hours if such irregular schedule of working hours presents a disproportionately large burden of organisation. The employer shall, at the judge's request, state the reasons for the refusal of his application.

(3) The stipulation of part-time employment shall enter into force

a) as of the day following the end of the unpaid leave,

b) as of the day following the end of leave if ordinary leave must be granted to the judge on the basis of Section 134 (3), Point b) of the Labour Code.

(4) In the event of the application of Paragraph (3), Point b), unless the parties agree otherwise, ordinary leave shall be granted as of the first working day following the end of the unpaid leave. Unless agreed otherwise, ordinary leave shall be granted within thirty days of the end of the unpaid leave.

(5) The application shall be served upon the employer minimum sixty days prior to the end of the unpaid leave referred to in Paragraph (1). In the application, the judge shall inform the employer of

a) the date at which his child rendering him eligible for taking unpaid leave completes the age of three years, and further,

b) if he wishes to work in an irregular schedule of working hours, of the proposed schedule of working hours.

(6) As of the date mentioned in Paragraph (3), for the purposes of benefits granted in cash or kind on the basis of the judicial service relationship, directly or indirectly, the principle of pro rata entitlement shall govern by the force of the present Act if entitlement to the given benefit is related to the number of working hours.

(7) The employer shall employ the judge in part-time employment as stipulated on the basis of the application referred to in Paragraph (1)

a) until the date stated in the application but

b) until the child completes the age of three years, at the latest.

The judge's working hours shall thereafter be determined on the basis of the number of his working hours before the submission of the application, subject to the due application of the principle of pro rata entitlement.

Section 50

Section 49 is not applicable to senior court personnel.

Section 51

The person exercising the employer's rights shall, on request, grant unpaid leave to a judge for the term of service abroad if the judge's spouse is assigned to serve abroad.

Section 52

(1) Judges may be obliged to provide stand-by and duty service for the fulfilment of judicial duties. The total of the judge's weekly working hours, the hours of duty service and the working hours completed during stand-by service may not exceed forty-eight hours weekly. If a frame of working hours is established, the total weekly working hours shall be taken into consideration in relation to the average of the frame of working hours.

(2) Judges shall be entitled to separate remuneration for stand-by and duty service.

(3) For the purposes of the present Act,

a) duty service: availability at the place and during the hours determined by the employer;

b) stand-by service: availability at a location of the judge's choice with regard to easy access to the place of work.

(4) Judges shall ensure that they are in a state fit for the performance of work on the basis of the employer's instructions during the hours of stand-by and duty service.

(5) The detailed rules of stand-by and duty service shall be established by the President of the NJO.

26. Hearing Obligation of Judges

Section 53

(1) The chair of the court exercising the employer's rights may, on request, upon the expiry of one year's judicial practice reckoned as of the first appointment, authorise a judge to only perform work at the court on hearing days.

(2) The chair of the court shall revoke the above permission in particular in the event of an inadequate standard of work on the judge's part and multiple or serious administrative delays. The judge shall be informed of the reasons for the revocation of the above permission in writing.

(3) Also in the event of the authorisation of the performance of work outside the court, judges shall regularly meet their official obligations arising from their service relationships.

Section 54

Judges shall perform their hearing duties on the scheduled hearing days in a way as to promote the timely assessment of cases by making full use of the hearing days.

27. Leave of Judges

Section 55

(1) The basic leave of judges falling into pay grade I is 30 working days, following which the basic leave shall increase by two working days in pay grade two and by one working day annually by pay grades.

(2) As of the completion of the age of 50 years, judges shall be entitled to 40 working days of basic leave, regardless of their pay grade.

(3) Senior judicial personnel shall be entitled to 5 working days of extra leave. The total combined length of the annual basic leave and the extra leave of senior personnel may not exceed 40 working days.

Section 56

July 15th is Court Day which is a bank holiday in courts that also extends to judicial employees.

28. Status of Judges Posted at NJO

Section 57

(1) Judges posted at the NJO shall retain their judicial title but may not administer justice. Their remuneration shall be governed by the rules applicable to judges.

(2) A judge appointed for a fixed term may not be posted at the NJO.

Section 58

(1) Unless the present Act or the Act on the Organisation and Administration of Courts provides otherwise, the President of the NJO shall exercise the employer's rights in respect of judges posted at the NJO.

(2) Judges shall implement the measures and instructions of the President of the NJO in the course of their official activities.

(3) Following the cessation of his posting, a judge shall be posted and appointed in an actual judge's position, in justified cases, in the position of chair of the chamber, without the invitation of applications, at a service post in the judge's previous or a minimum equivalent official position, if possible, in the locality of the judge's residence.

(4) Judges may, with their consent, also be re-assigned to a different service post.

(5) The status of judges posted at the NJO shall in other respects be duly governed by the provisions of Sections 35 to 55.

Section 59

(1) The President of the NJO may terminate a judge's official position at the judge's request.

(2) Judges shall fulfil their duties for a further 30 days following the communication of termination, from which the parties may depart by mutual agreement.

29. Status of Judges Posted at the Ministry

Section 60

(1) Judges may be posted at the Ministry for the purpose of participation in the drafting of legislation, the administration of pardon cases or the fulfilment of other tasks requiring judicial expertise.

(2) Judges posted at the Ministry shall retain their judicial title but may not administer justice. Their remuneration shall be governed by the rules applicable to judges.

(3) Judges appointed for a fixed term may not be posted at the Ministry.

(4) The minister responsible for justice shall exercise the employer's rights in respect of judges posted at the Ministry.

Section 61

(1) Judges shall implement the measures and instructions of senior personnel and shall promote the enforcement thereof.

(2) Except as set forth in Section 45, the status of judges posted at the Ministry shall be duly governed by the provisions of Sections 35 to 55.

Section 62

(1) The President of the NJO shall terminate a judge's posting at the Ministry

- a) at the judge's request,
- b) based on the motion of the minister responsible for justice.

(2) Judges shall fulfil their duties for a further 30 days following the communication of termination, from which the parties may depart by mutual agreement.

(3) The posting of a judge in an actual judge's position following the cessation of his posting at the Ministry shall be governed by the provisions of Section 58 (3) and (4).

30. Status of Judges Posted at the Curia

Section 63

(1) Judges may be posted at the Curia for the fulfilment of duties related to the drafting of legal standardisation decisions and the analysis of jurisprudence.

(2) Judges posted at the Curia for the fulfilment of the duties referred to in Paragraph (1) may not administer justice but shall retain their previous salary and shall be entitled to use a title referring to their previous judicial position.

(3) Judges appointed for a fixed term may not be posted at the Curia.

(4) The status of judges posted at the Curia shall be duly governed by the provisions of Sections 35 to 55. The President of the Curia shall exercise the employer's rights in respect of judges posted at the Curia.

Section 64

(1) The President of the NJO shall terminate the posting of a judge at the Curia

- a) at the judge's request,
- b) based on the motion of the President of the Curia.

(2) The posting of a judge in an actual judge's position following the cessation of his posting at the Curia shall be governed by the provisions of Section 58 (3) and (4).

Chapter V

Evaluation of Work of Judges and Inaptitude Proceedings

31. General Provisions

Section 65

(1) The work of judges shall be evaluated in accordance with the present Act.

(2) The work of senior judicial personnel related to the administration of justice shall be evaluated in accordance with the present Act. The person making the appointment shall be entitled to order an evaluation.

Section 66

Based on cases completed on a final and absolute basis, the investigation giving rise to the evaluation shall uncover the judge's practice in the application of the substantive, procedural and administrative rules of law and the conducting of hearings.

32. Activity Statement Assisting Evaluation

Section 67

A statement shall be drafted with respect to the judge's annual activities on the basis of case administration and activity data, decisions of second instance and review decisions. The President of the NJO shall identify the data content of the statement in rules. The chair of the court shall publish the statement on the intranet facility of courts simultaneously with the annual information report. The data of the statement shall be taken into consideration upon the screening and evaluation of the judge.

33. Regular and Irregular Evaluation

Section 68

The activities of a judge appointed for an indefinite term following an appointment for a fixed term shall be evaluated in the third year following the appointment and every eight years thereafter, and may be evaluated for the last time in the sixth year preceding the completion of the old-age retirement age applicable to the judge. If a judge's first appointment was made for an indefinite term, the judge's activities shall be evaluated before the expiry of the third year following the appointment, in the sixth year following the appointment and every eight years thereafter and may be evaluated for the last time in the sixth year preceding the completion of the old-age retirement age applicable to the judge.

Section 69

A judge's activities shall be evaluated on an extraordinary basis if

- a) the suspicion emerges for any reason that the judge is unable to perform his judicial activities for professional reasons,
- b) requested by the judge himself.

34. Institution of Investigation Giving Rise to Evaluation

Section 70

(1) An investigation giving rise to an evaluation shall be instituted by the chair of the tribunal or court of appeal or by the President of the Curia (for the purposes of the present Chapter, hereinafter collectively referred to as „chair of the court“).

(2) The chair of the court shall institute an investigation giving rise to regular evaluation ex officio.

(3) The chair of the court shall institute an investigation giving rise to irregular evaluation ex officio or at the initiative of the division head of the court of second instance (proceeding in review cases) with competence with a view to the judge's posting and area of specialisation. In the case of a district court judge, the chair of the district court, while in the case of an administrative and labour court, the chair of the administrative and labour court, too, may initiate an investigation.

(4) The judge shall be informed in writing of the institution of an investigation giving rise to evaluation.

35. Process of Investigation

Section 71

(1) The investigation giving rise to evaluation shall be completed within 60 days of the institution thereof and the evaluation shall be conducted within 15 days of the completion of the investigation.

(2) The investigation giving rise to evaluation shall be conducted by the division head with competence with a view to the judge's posting and area of specialisation, not including the head of a regional administrative and labour division, or the judge appointed by him.

(3) The activities of a judge posted at the Curia shall be evaluated by the President of the Curia.

(4) The official activities of a judge posted at the NJO shall be evaluated by the President of the NJO.

(5) The official activities of a judge posted at the Ministry shall be evaluated by the minister responsible for justice in accordance with the rules applicable to government servants.

Section 72

(1) The person conducting the investigation may hear the chair of the district court in the case of the evaluation of a district court judge or the chair of the administrative and labour court in the case of the evaluation of an administrative and labour court judge.

(2) For the purposes of the investigation, the division head with competence with a view to the judge's posting and area of specialisation or the judge appointed by him shall select the necessary cases and shall obtain

a) memoranda taken by chamber chairs during the period covered by the investigation,

b) the judge's annual activity statement,

c) the opinion of the division head of the court of second instance (proceeding in review cases) with competence with a view to the judge's area of specialisation, not including a judge of the Curia,

d) data related to attendance of mandatory training, and

e) any other deeds, opinions and data determined by the President of the NJO in a set of rules.

(3) The division head with competence with a view to the judge's posting and area of specialisation, not including the head of the regional administrative and labour division, or the judge appointed by him shall send the investigation report and the draft of the evaluation on a preliminary basis to the person initiating the investigation and, in the case of a district court judge, to the chair of the court of appeal, while in the case of an administrative and labour court judge and a judge hearing administrative and labour cases at a tribunal, to the head of the regional administrative and labour division.

Section 73

The procedure for the selection of the cases necessary for evaluation and the detailed rules of investigations shall be determined by the President of the NJO.

36. Evaluation

Section 74

(1) The chair of the court shall evaluate the judge's activities on the basis of the investigation material and the documents and opinions obtained.

(2) The evaluation may only feature factually well-founded value judgements.

Section 75

The written evaluation shall be handed over to the judge minimum 15 days prior to the date of the disclosure of the evaluation. The disclosure procedure shall be attended by the judge under evaluation, the judge conducting the evaluation investigation, the division head with competence with a view to the area of specialisation of the judge under evaluation, not including the head of the regional administrative and labour division, and the chair of the court where the judge serves, in addition to the chair or vice-chair of the court ordering the evaluation. The judge under evaluation may make comments verbally and in writing at the evaluation procedure, at the latest.

Section 76

(1) As a result of the evaluation, the judge may be awarded the following evaluation grades:

- a) excellent, suitable for promotion,
- b) excellent and fully eligible,
- c) eligible,
- d) eligible, subsequent assessment required,
- e) ineligible.

(2) The chair of the court shall justify the result of the evaluation in writing and shall send the same to the judge and, except in the case of a judge of the Curia, to the division head of the court of appeal (proceeding in review cases) with competence with a view to the judge's posting, or in the case of a district court judge, to the chair of the court of appeal, while in the case of an administrative and labour court judge and a judge hearing administrative and labour cases at a tribunal, to the head of the regional administrative and labour division.

Section 77

If a judge hearing a case coming under the Chapters relating to priority cases of the Act on Criminal Proceedings and the Chapters relating to priority lawsuits of the Act on Civil Proceedings fails to observe the statutory time limit determined with respect to these cases due to circumstances falling within his control, this fact shall be taken into consideration in the course of the evaluation and the judge may not be awarded a higher evaluation grade than „eligible” as a result of the evaluation.

Section 78

(1) If the judge is awarded the grade „eligible, subsequent assessment required” as a result of the evaluation, the assessor shall establish the deficiencies and irregularities experienced in the evaluation and shall identify the main criteria of the desired changes which shall be reviewed upon the next evaluation. The next evaluation shall be conducted within 2 years. A judge appointed repeatedly for a fixed term under Section 25 (4) shall be evaluated prior to the expiry of the fixed term.

(2) A judge shall be awarded an ineligible grade upon the next evaluation if his evaluation does not reach the level of the eligible grade also upon the occasion of this evaluation.

37. Appeal Against Result of Evaluation

Section 79

If the judge or the division head of the appeal court (proceeding in review cases) with competence with a view to the judge's posting or, in the case of a district court judge, the chair of the court of appeal or, in the case of an administrative and labour court judge or a judge hearing administrative and labour cases at a tribunal, the head of the regional administrative and labour division, disputes the result of the evaluation or its written reasoning, except as set forth in Section 81, they may submit an appeal to the service court of first instance within 30 days of the receipt of the result of the evaluation.

Section 80

An appeal may be submitted against the decision adopted with respect to the subject-matter of the appeal in accordance with the rules relating to disciplinary decisions, and proceedings of second instance shall be conducted.

38. Professional Inaptitude Proceedings

Section 81

(1) In the event of an ineligible evaluation grade, the chair of the court shall, simultaneously with the service of the evaluation, call upon the judge to resign his office as a judge within 30 days. On the request of the judge in question, the President of the court shall provide the judge in question an opportunity to present his/her position regarding the assessment in the form of a personal hearing.

(2) If the judge fails to resign his office, the chair of the court shall, without delay, notify the service court of first instance thereof. Except as set forth in Section 84, the service court shall conduct inaptitude proceedings subject to the due application of the rules of disciplinary proceedings and shall decide on the aptitude and eligibility of the judge in extraordinary proceedings. If the judge is declared ineligible, the service court shall adopt a decision on the existence of circumstances giving rise to exemption.

Section 82

An appeal may be submitted against the decision adopted with respect to inaptitude in accordance with the rules relating to disciplinary decisions, and proceedings of second instance shall be conducted.

Section 83

During the period extending from the service of the evaluation establishing the judge's inaptitude to the final and absolute decision of the service court, the judge may not engage in activities which fall exclusively within the competence of a judge.

39. Proceedings of the Service Court in the Event of Disputed Evaluation and the Establishment of Inaptitude

Section 84

(1) Based on the notification of the chair of the court, the appointed chamber of the service court of first instance shall initiate inaptitude proceedings and shall appoint an investigating commissioner for the implementation of a preliminary investigation.

(2) The investigating commissioner shall clarify all circumstances necessary for establishing the facts of the case. To this end, the investigating commissioner shall hear the judge subjected to proceedings and the chair of the evaluating court, obtain the opinion of the division head of the competent court of appeal (or court hearing review cases) in relation to the judge's post, or, in the case of a district court judge, the opinion of the chair of the court of appeal, while in the case of an administrative and labour court judge and a judge hearing administrative and labour cases at a tribunal, the opinion of the head of the regional administrative and labour division, and may hear witnesses and may view the judge's evaluation documents. Judges and court employees shall provide the necessary information requested by the commissioner.

(3) If, in the appointed chamber's reasonable opinion, the evaluation appears to be unclear, incomplete or contradictory or there are reasonable doubts concerning the correctness of its findings, the appointed chamber shall hear the chair of the evaluating court and the judge subjected to the proceedings.

(4) By virtue of its reasoned decision, the appointed chamber

a) shall establish the judge's inaptitude,
b) shall alter the evaluation grade awarded by the assessor or
c) shall terminate the proceedings instituted against the judge in the case of a procedural breach and shall order a new evaluation of the judge's activities.

(5) The appointed chamber shall send the decision under Paragraph (4), Point a) to the President of the NJO without delay after the decision becomes final and absolute in the interest of the implementation of measures for the judge's removal.

Section 85

The rules set forth in Section 84 shall duly apply in the course of the assessment of an appeal submitted against the evaluation.

40. Ineligibility Proceedings on Health Grounds

Section 86

(1) If a judge is unable to fulfil his/her duties for health related reasons on a long-term basis, the president of the court shall call upon him/her in writing to resign from office within 30 days. The notice shall state the grounds and circumstances which indicate the judge's inaptitude based on health related reasons. At the request of the judge, the grounds of inaptitude based on health related reasons shall be explained at a personal hearing, and an opportunity shall be given for the judge to comment.

(2) If the judge fails to resign his office in spite of the notice under Paragraph (1), the judge's state of health shall be examined and subsequent action shall be taken in the light of the result of the examination.

(3) If the judge fails to attend the medical examination ordered by the employer for reasons falling within his control, it shall constitute the acknowledgement on his part of the application of the legal consequences of ineligibility.

Section 87

(1) If the judge resigns his office for health reasons in response to the notice referred to in Section 86 or is exempted from his office as judge due to ineligibility on health grounds, with respect to the time completed in a judicial service relationship, the judge shall be paid an amount that is equal to his pay for 9 months if the term of his service relationship does not exceed 10 years or an amount that is equal to his pay for 13 months if he completed a longer term in a judicial service relationship.

(2) If a pension allowance is granted to the judge exempted on health grounds in his own right, he shall not be entitled to the benefit stated in Paragraph (1).

Chapter VI

Suspension and Cessation of Judicial Service Relationship

41. Suspension of Judicial Service Relationship

Section 88

(1) If a judge wishes to run in an election as a candidate for Member of Parliament, Member of the European Parliament, local municipality board representative or mayor, he shall report this intention to the person exercising the employer's rights by the day following the registration of his candidacy with the election agency, at the latest. The judge's service relationship shall be suspended as of the date of reporting until the publication of the election result or, in the event of his election, until the verification of his mandate. The term of such suspension shall qualify as time completed in the service relationship.

(2) The posting of the judge subsequent to the suspension of the service relationship shall be duly governed by the provisions set forth in Section 58 (3) and (4).

42. Cessation of Judicial Service Relationship

Section 89

The judicial service relationship shall cease

- a) upon the judge's death,
- b) in the case set forth in Section 25 (1),
- c) through exemption by the President of the Republic

Section 90

A judge shall be exempted

- a) if he resigned his office as a judge,
- b) if the judge is ineligible for the fulfilment of the judicial office for health reasons on a long-term basis or was declared ineligible in the course of the inaptitude proceedings under Section 84,
- c) if a prison sentence or a sentence of community service was imposed on the judge on a final and absolute basis or the judge was subjected to forced medical treatment,
- d) if the judge failed to take the judicial oath within the time limit determined in Section 22,

e) if the conditions set forth in Section 4(1), Points a) and b) with respect to the appointment of the judge no longer exist,

f) if the judge was elected as a Member of Parliament, Member of the European Parliament, local municipality board member or mayor or was elected or appointed as a state leader coming under the effect of the Act on Central State Administration Agencies and the Status of the Members of the Government and State Secretaries,

g) if the judge, in agreement with the President of the NJO, enters into a legal relationship based on an application with an international organisation or any of the agencies of the European Union aimed at the administration of justice or any other work related to the administration of justice,

h) if the judge

ha) has completed the applicable old-age pension age (hereinafter referred to as the „upper age limit”), not including the President of the Curia, or

hb) before the completion of the upper age limit, requests his retirement with reference to the existence of the conditions set forth in Section 18 (2a) of Act LXXXI of 1997 on Social Security Pension Services (hereinafter referred to as „SSPS”),

i) if, in disciplinary proceedings instituted against the judge, removal from the office of judge was proposed as a final and absolute disciplinary sanction,

j) if it has been found in the course of a judicial review procedure initiated against the result of the call for applications that the legislative conditions for appointment as a judge had not been fulfilled.

k) if the judge wilfully fails to meet the obligation to make a financial disclosure statement or wilfully states material data or facts incorrectly or conceals material data or facts in his financial disclosure statement, including the data of relatives sharing his household, or revokes his financial disclosure statement and the declaration regarding the authorisation of the management of personal data,

l) if the judge fails to meet his obligation of verification referred to in Section 38 in response to a repeated, duly served notice within 15 working days and fails to prove that the non-fulfilment of the obligation is a consequence of circumstances falling beyond his control,

m) if the judge fails to attend the medical examination ordered by the employer as set forth in Section 86 (3),

n) if the judge is appointed as the rector of a state institution of higher education or the head of a research centre or research institute operating as a centrally financed agency,

o) if the judge terminated his service relationship unlawfully.

Section 91

A judge may, on request, be exempted if he becomes eligible for a disability (accident-related disability) pension.

Section 92

The service relationship shall qualify as unlawfully terminated if the judge terminated the service relationship unilaterally, without tendering his resignation or prior to the expiry of the applicable exemption period.

Section 93

(1) A judge may at any time resign his office in writing.

(2) In the event of a judge's resignation, the resignation period is 3 months. The President of the **NJC** may, at the judge's request, consent to a shorter resignation period and may further

exempt the judge from the obligation of the performance of work for the duration or a part of the resignation period.

Section 94

(1) Exemption may be sought with reference to the existence of the conditions set forth in Section 18 (2a) of SSPS if the judge meets the conditions on the last day of the exemption period, at the latest.

(2) Except in the cases mentioned in Paragraph (3), the exemption period of judges is one month, for the duration of which judges shall be exempted from the obligation of the performance of work.

(3) In the event of retirement and the attainment of the upper age limit, the judge's exemption period shall be 6 months. The judge shall be exempted from the performance of work for a period of 3 months. At the request of the judge, the NJO may set out a period of exemption from the performance of work shorter than 3 months, or, at the request of the judge, may decide not to exempt the judge of the performance of work at all.

(4) A judge exempted from the performance of work may not administer justice, may not proceed as senior judicial personnel and may not exercise the voting and administrative rights attached to the judicial office.

Section 95

A retired judge shall be entitled to use the designation of his title and senior office occupied directly before his retirement in combination with the attribute „retired“.

Section 96

(1) In the event of the existence of the conditions set forth in Sections 90 and 91, the President of the NJO shall present the proposal regarding the exemption of the judge to the President of the Republic in response to the initiative of the chair of the court or based on the notification of the administrative and labour court or service court. The proposal shall state the grounds for exemption and the date of the cessation of the service relationship.

(2) If a judge is exempted due to the attainment of the upper age limit, the proposal shall be made at a time that ensures that the exemption period shall expire prior to the completion of the upper age limit.

Section 97

(1) The President of the NJO shall present a proposal regarding the exemption of a military judge to the President of the Republic jointly with the minister responsible for defence.

(2) The service relationship of a military judge with the Hungarian Defence Forces may only be terminated, not including the case of resignation, if his office as military judge is also terminated.

(3) If a military judge requests his re-assignment in a different judicial position upon the cessation of his service relationship with the Hungarian Defence Forces, the President of the NJO shall present a proposal to the President of the Republic with respect to the exemption of the judge

concerned from his office as military judge, subject to the maintenance of his service relationship, and his simultaneous appointment in the office of judge. In this case, the judge shall be assigned to minimum a tribunal, with the proviso that if the judge is posted at the tribunal of his former service post, he shall retain his former senior judicial appointment; however, departure from this provision is permitted with the judge's consent. If the military judge does not request his re-assignment in a different judicial position, the President of the NJO shall present a proposal to the President of the Republic with respect to his exemption from his office as military judge.

Section 98

The cessation of a judge's service relationship is established in the exemption notice.

Chapter VII Employer's Powers

43. Person Exercising Employer's Rights and Certain Powers

Section 99

(1) Unless the present Act provides otherwise, the employer's rights shall be exercised

- a) by the President of the NJO in the case of the senior personnel falling within his powers of appointment,
- b) the President of the Curia in the case of the judges of the Curia,
- c) the chair of the court of appeal in the case of court of appeal judges,
- d) the chair of the tribunal in the case of tribunal, district court and administrative and labour court judges.

(2) In cases not specifically mentioned in a rule of law, the employer's rights may be delegated in writing

- a) by the President of the NJO to his general deputy,
- b) by the chair of the tribunal to the chair of the district court in respect of district court judges, and by the chair of the administrative and labour court in respect of administrative and labour court judges, not including the institution of the evaluation of judges.

Section 100

(1) The person exercising the employer's rights may, during the term of a judge's service relationship, call upon the judge in writing to verify that the circumstances defined in Section 4 (2), Points a) to f) do not exist in respect of his person, subject to due notification of the legal consequences of failure on the judge's part to do so.

(2) If the judge verifies in response to the request referred to in Paragraph (1) that the circumstances defined in Section 4 (2), Points a) to f) do not exist in respect of his person, the person exercising the employer's rights shall reimburse the judge for the administrative service fee paid for the issuance of the official certificate in verification thereof.

(3) For the purpose of investigating the circumstances defined in Section 4 (2), Points a) to f), the person exercising the employer's rights shall manage the personal data items of the person

applying for the judicial appointment, prior to the establishment of the judicial service relationship, and the judge which are contained in the official certificate issued by the criminal records agency.

(4) The person exercising the employer's rights shall manage the personal data disclosed on the basis of Section 12(1), Point b) and Section 38 until the date of the decision adopted with respect to the establishment of the judicial service relationship or, in the event of the establishment and existence of a judicial service relationship, until the cessation of the judicial service relationship.

Chapter VIII Disciplinary Liability of Judges

44. Service Court

Section 101

In the disciplinary cases of judges and related compensation cases and further in legal disputes arising from the professional evaluation of the activities and of the managerial duties of judges, the service court of first instance attached to the court of appeal in the territory of Budapest (hereinafter referred to as „service court of first instance”) and the service court of second instance attached to the Curia (hereinafter referred to as „service court of second instance”, hereinafter collectively referred to as „service court”) shall proceed.

Section 102

(1) The chair and members of the service court shall be appointed by the NJC from among the judges of the Curia, the courts of appeal and tribunals. The vice-chair of the service court shall be appointed by the chair of the given service court.

(2) The members of the service court shall be nominated by the plenary meeting of the Curia and the plenary conference of court of appeal and tribunal judges.

(3) Members of the service court shall fulfil their duties in addition to their duties related to the administration of justice and administrative tasks.

(4) Members of the service court shall be entitled to a remuneration in proportion to their service judge activities. The detailed rules of remuneration shall be determined by the President of the NJO.

Section 103

(1) The service court of first instance shall be comprised of maximum 75 persons, while the service court of second instance shall consist of maximum 15 persons.

(2) The following judges may not be appointed as service court judges:

- a) members of the NJC,
- b) alternate members of the NJC,
- c) chair or vice-chair entitled to initiate disciplinary proceedings,
- d) judges who, by virtue of their position under law, may not administer justice or whose service relationship is suspended, or

e) relatives of the President or Vice-President of the NJO and further of the chair or vice-chair of a court of appeal or tribunal.

(3) The mandate of service court judges shall be valid for 6 years reckoned from their appointment.

(4) In his absence, the chair of the service court shall be deputised by the vice-chair with full powers.

Section 104

(1) Judges under the effect of disciplinary or criminal proceedings, not including proceedings instituted on the basis of private indictments or substitute private prosecution indictments, may not proceed as service court judges until the conclusion of the proceedings on a final and absolute basis.

(2) The office of a service court judge shall cease:

- a) through the cessation of the judicial service relationship,
- b) through resignation of the office of service court judge,
- c) upon the establishment of disciplinary liability or liability under criminal law on a final and absolute basis,
- d) if a conflict of interests as regulated in Section 103 (2) emerges during the term of membership, or
- e) if the service court excludes the judge from among its members due to the culpable violation of his duties as service court judge, failure on his part to meet his obligations as service court judge over an extended period or gross negligence, by secret ballot, based on the votes of at least two thirds of the service court judges.

Section 104/A

(1) The rules of procedure of the service court shall contain rules on the composition of the proceeding chambers and on the distributing cases.

(2) The rules of procedure set by the service court shall be approved by the NJC.

(3) The rules of procedure of the service court shall be published by the NJC on the central website of the courts.

45. Disciplinary Breach

Section 105

A judge commits a disciplinary breach if he culpably

- a) violates his obligations related to his service relationship or
- b) curtails or jeopardises the reputation of the judicial profession by virtue of his lifestyle or behaviour.

46. Initiation of Disciplinary Proceedings

Section 106

(1) If the suspicion of a disciplinary breach emerges in respect of a senior court official, the person exercising the right of appointment shall initiate disciplinary proceedings before the chair of the service court of first instance.

(2) If the suspicion of a disciplinary breach emerges in respect of a judge not holding a senior appointment, disciplinary proceedings shall be initiated

a) by the President of the Curia in the case of the judges of the Curia,

b) by the chair of the court of appeal in the case of court of appeal judges,

c) by the chair of the tribunal in the case of tribunal, district court and administrative and labour court judges,

before the chair of the service court of first instance.

(3) The President of the NJO may only institute disciplinary proceedings against court leaders appointed by the President of the NJO and the judges posted at the NJO.

(4) If criminal proceedings have been instituted against a judge, not including proceedings instituted on the basis of a private indictment or substitute private prosecution indictment, disciplinary proceedings shall be instituted.

Section 107

If a judge subjected to disciplinary proceedings is under the effect of criminal proceedings, the disciplinary proceedings shall be suspended.

Section 108

(1) If the judge's culpability is minor and the breach did not involve consequences or only involved minor consequences, the institution of disciplinary proceedings may be dispensed with.

(2) In the case referred to in Paragraph (1), the person authorised to initiate disciplinary proceedings shall warn the judge. The judge may request the institution of disciplinary proceedings in response to the decision served in writing within 15 days of the service thereof. If the judge requested the institution of disciplinary proceedings, the person authorised to institute disciplinary proceedings shall without delay notify the chair of the service court of first instance; in this case, the institution of the disciplinary proceedings may not be refused.

Section 109

The person instituting the disciplinary proceedings shall without delay notify the judge concerned of the institution of the proceedings. If the disciplinary proceedings were not initiated by the President of the NJO, the President of the NJO, too, shall be informed of the institution of the proceedings.

Section 110

(1) No disciplinary proceedings may be instituted if the person authorised to institute the proceedings did not initiate proceedings within 3 months of becoming aware of the relevant circumstances or a period of 3 years has elapsed since the termination of the practice constituting the disciplinary breach.

(2) If criminal proceedings were instituted due to a judge's practice amounting to a disciplinary breach and the proceedings were closed with a decision establishing the judge's liability under criminal law, no disciplinary proceedings may be instituted beyond a period of one year reckoned from the conclusion of the proceedings on a final and absolute basis.

47. Rules Relating to Institution of Disciplinary Proceedings and the Proceeding Chamber

Section 111

The appointed disciplinary chamber of the service court shall decide on the institution of disciplinary proceedings, the refusal of disciplinary proceedings or the institution of a preliminary investigation, subject to the simultaneous notification of the judge concerned.

Section 112

(1) The service court of first instance shall proceed at first instance in the cases referred to in Section 101.

(2) Appeals filed against the decisions of the service court of first instance shall be assessed by the service court of second instance.

Section 113

(1) The service court shall proceed in a chamber of 3 members (hereinafter referred to as the „service court chamber”) which shall be established by the chair of the service court.

(2) Disciplinary proceedings shall be prepared and a preliminary investigation shall be conducted by an investigating commissioner. The judge of a court inferior to the level of the position of the judge concerned may not proceed as investigating commissioner.

(3) The chair of the service court shall draft a schedule at the end of the calendar year for the next calendar year in which he shall determine the order in which service judges shall fulfil the duties of the investigating commissioner.

Section 114

The following persons may not proceed as service judges in the given case:

- a) persons who may be required to be heard in the capacity of witness,
- b) the investigating commissioner who proceeded in the given case,
- c) relatives of the judge subjected to the proceedings,
- d) persons who cannot for other reasons be expected to assess the case impartially.

Section 115

(1) If a circumstance emerges that calls into question the impartiality of the investigating commissioner, the chair or a member of the service court chamber, the judge subjected to the disciplinary proceedings may file a complaint on the grounds of bias.

(2) Another chamber appointed by the chair of the service court shall decide on the question of bias.

(3) If the complaint was filed against the chair of the service court of first instance, the chamber of the service court of second instance shall decide on the question of bias. If the complaint was filed on the grounds of bias against the chair of the service court of second instance, the President of the Curia shall decide on the question of bias.

Section 116

(1) In the event of the disqualification of the chair of the service court of first instance, the proceeding chamber of first instance shall be appointed by the chair of the service court of second instance.

(2) In the event of the disqualification of the chair of the service court of second instance, the proceeding chamber shall be appointed by the President of the Curia.

(3) A judge who participated in the proceedings at first instance may not participate in the assessment of the disciplinary case at second instance.

48. Suspension from Office of Judge

Section 117

(1) The service court of first instance shall suspend a judge from his office if the judge was placed in custody or under house arrest or is under the effect of a control order or was ordered to undergo temporary forced medical treatment, or if his presence at his service post were to hinder the establishment of the facts of the case.

(2) The judge subjected to the proceedings and the person initiating the proceedings may submit an appeal against the suspension decision to the service court of second instance within 8 days of the service of the decision which shall have no delaying effect. The service court of second instance shall assess the appeal within 8 days.

Section 118

(1) The judge shall be entitled to his salary for the duration of suspension from his office, maximum 50 per cent of which may be retained for one month. The full salary shall be retained as of the adoption of the disciplinary decision pronouncing the judge's removal from his office until the decision becomes final and absolute. The service court chamber shall decide on the retention of the salary against which no appeal shall lie.

(2) No salary shall be due for the part of the term of the suspension for which the judge would not have received a salary even in the absence of his suspension.

(3) Any retained salary shall be paid once the disciplinary decision becomes final and absolute, unless the disciplinary proceedings are closed with a disciplinary decision pronouncing the judge's removal from his office. The same procedure shall govern if the judge's service relationship has in the interim ceased by virtue of his removal or exemption.

49. Disciplinary Proceedings

Section 119

Disciplinary proceedings and the preliminary investigation shall be conducted with the exclusion of the public.

Section 120

(1) The investigating commissioner shall clarify all circumstances necessary for the establishment of the facts of the case. To this end, he shall hear the judge subjected to the proceedings, may hear witnesses, may use the services of experts and may conduct other evidence proceedings. The investigating commissioner may view the documents of the court, and judges and court employees shall furnish him with all necessary information.

(2) The investigating commissioner shall draft a written report on his proceedings for the service court chamber within 15 days.

Section 121

(1) The service court chamber shall decide on the institution or refusal of disciplinary proceedings and suspension within 15 days of the presentation of the investigating commissioner's report.

(2) The judge subjected to the proceedings may engage another judge or an attorney to represent him in the proceedings.

(3) The judge subjected to the proceedings and his counsel as well as the person initiating the disciplinary proceedings and the investigating commissioner shall be summonsed to the hearing. If the disciplinary proceedings were not initiated by the President of the NJO, the President of the NJO shall be informed of the date of the hearing. The investigating commissioner's report shall be served together with the summons or notice.

(4) If the judge subjected to the proceedings fails to present himself in spite of a duly served summons and fails to excuse his absence, the hearing may also be held in his absence.

Section 122

(1) The service court chamber may take evidence at the hearing.

(2) The judge subjected to the proceedings and his counsel as well as the person initiating the proceedings may ask questions at the hearing, while the President of the NJO may propose questions if he attends the hearing on the basis of notification.

(3) Prior to the adoption of the decision, the person initiating the proceedings, followed by the judge subjected to the proceedings and his counsel may speak out.

(4) In his absence, the person initiating the disciplinary proceedings shall be represented at the hearing by the vice-chair, while the President of the NJO shall be represented by his general deputy or the judge appointed by him.

Section 123

(1) In its reasoned decision, the service court chamber shall

- a) remove the judge subjected to the proceedings,
- b) pronounce the judge subjected to the proceedings culpable and shall impose a disciplinary sanction,
- c) terminate the proceedings instituted against the judge.

(2) If the judge's culpability is minor and the breach did not involve consequences or only involved minor consequences, the service court chamber may in its reasoned decision dispense with the imposition of a disciplinary sanction and may serve a warning on the judge parallel with the termination of the proceedings.

(3) If a criminal court has already established the judge's liability due to the act rendered the subject-matter of the disciplinary proceedings, the service court chamber may not conclude that the judge subjected to the proceedings did not commit the act he stands accused of.

(4) The disciplinary proceedings shall be terminated on the basis of Paragraph (1), Point c) in the event of the death of the judge subjected to the proceedings, if a circumstance excluding the institution of disciplinary proceedings emerged or if the judge's service relationship had in the interim been terminated. In the latter case, the service court chamber may establish the commission of a disciplinary breach, however, the decision may not impose a disciplinary sanction.

Section 124

(1) Disciplinary sanctions that may be imposed on judges committing disciplinary breaches:

- a) reprimand,
- b) censure,
- c) demotion by one pay grade,
- d) exemption from senior office,
- e) motion seeking removal from the office of judge.

(2) Upon the imposition of a disciplinary sanction, the gravity and consequences of the breach and the degree of culpability shall be taken into consideration.

(3) If a motion is submitted for the removal of the judge from his office, the suspension of the judge from his office shall be upheld or ordered. In the event of the imposition of any other disciplinary sanction, suspension shall be terminated in the disciplinary decision.

(4) The costs related to the disciplinary proceedings shall be covered by the court. However, if the judge's disciplinary liability is established on a final and absolute basis, the judge shall reimburse the costs of any procedural acts he proposed as well as the costs of his legal counsel.

50. Disciplinary Proceedings at Second Instance

Section 125

(1) One copy of the disciplinary decision shall be served upon the judge and the person initiating the disciplinary proceedings within 8 days of the pronouncing thereof. One copy of the decision shall be sent to the President of the NJO even if the disciplinary proceedings were not initiated by the President of the NJO.

(2) The judge and the person initiating the disciplinary proceedings may appeal against the decision of first instance within 15 days of the service thereof. The appeal shall be submitted to the chamber of the service court of first instance.

(3) The service court of second instance shall sustain or alter the disciplinary decision of first instance, also including its part providing for compensation and the reimbursement of costs, or shall terminate the proceedings, while in the event of a material procedural breach that cannot be remedied in the proceedings at second instance, shall repeal the decision and shall instruct the service court of first instance to conduct new proceedings and to adopt a new decision.

(4) The proceedings and decision at second instance shall in other respects be duly governed by the rules of proceedings at first instance.

Section 126

(1) After the imposition of a disciplinary sanction on a final and absolute basis, the judge shall remain under the effect of the disciplinary sanction

- a) for a period of one year in the case of a censure,
- b) for a period of two years in the case of demotion by one pay grade or exemption from senior office,
- c) for a period of 3 years upon the initiation of removal from the office of judge.

(2) A judge under the effect of a disciplinary sanction

- a) may not be promoted to a more senior judicial position,
- b) may not be appointed as a manager,
- c) may not be promoted to a higher pay grade,
- d) may not be awarded a title corresponding to a more senior judicial position.

(3) The disciplinary sanction aimed at exemption from senior office shall be implemented by the person authorised to make the appointment.

Section 127

(1) On application, the service court of first instance may exempt a judge under the effect of a disciplinary sanction from the detrimental legal consequences if one half of the time mentioned in Section 126 (1) has already elapsed, provided that there are no further disciplinary proceedings in progress against the judge.

(2) The date of promotion to a higher pay grade shall be reckoned from the original date after exemption or enforced exemption from the legal consequences attached to the disciplinary sanction in such a way that the time mentioned in Section 126 (1) shall be disregarded.

Section 128

A disciplinary sanction imposed on a final and absolute basis shall be recorded in the judge's personal file.

51. Initiation of New Proceedings

Section 129

(1) The judge subjected to the proceedings and his counsel as well as the person entitled to initiate the disciplinary proceedings may initiate new proceedings against a final and absolute disciplinary decision with reference to a fact or evidence or final and absolute decision which was not assessed in the disciplinary proceedings, provided that these circumstances would have resulted in a different decision.

(2) New proceedings may be initiated with the service court of first instance which shall proceed via the due application of the rules relating to proceedings at first instance.

(3) New proceedings may only be initiated to the judge's detriment while the judge is alive and only within the period of limitation.

52. Specific Provisions Governing Judges Posted at the Curia, the NJO and the Ministry

Section 130

Judges posted at the Curia, the NJO and the Ministry shall be governed by the provisions of Sections 105 to 129, subject to the difference that disciplinary proceedings may be instituted against a judge posted at the Curia by the President of the Curia, against a judge posted at the Ministry by the minister responsible for justice and against a judge posted at the NJO by the President of the NJO.

Chapter IX Liability for Compensation

53. Judges' Liability for Compensation

Section 131

(1) A judge shall owe financial liability for compensation for any loss or damage caused to the employer through the wilful or grossly negligent violation of his obligations arising from his service relationship.

(2) The employer shall substantiate the judge's liability as well as the emergence and extent of the loss or damage.

Section 132

A judge shall owe liability for up to his three-month salary if he causes any loss or damage through a grossly negligent practice. In the event of any loss or damage caused wilfully, judges shall owe liability for the full amount of the loss or damage.

Section 133

(1) Regardless of his culpability, a judge shall provide compensation against the full loss or damage in the event of any shrinkage in items taken delivery of subject to the obligation of returning or settlement on the basis of a list or acknowledgement of receipt which he keeps in his permanent custody or uses or operates on an exclusive basis.

(2) A judge shall be exempt from liability if he proves that such shrinkage was caused by insuperable circumstances beyond his control or that the employer failed to provide the conditions of safe custody and the judge previously drew the employer's attention to this fact.

(3) The employer shall substantiate the existence of the conditions referred to in Paragraph (1) and the emergence and extent of the loss or damage.

(4) In the event of a loss arising from any physical damage to an item of property handed into the judge's custody, the judge shall owe liability in accordance with the rules relating to liability for culpability, subject to the difference that the burden of proof with respect to his innocence shall lie with the judge.

Section 134

(1) If a judge caused a loss in connection with the commission of a disciplinary breach, his liability for compensation shall be assessed within the framework of the disciplinary proceedings.

(2) In compensation cases not related to the commission of disciplinary breaches, the judge's liability for compensation shall be assessed by the person exercising the employer's rights in a reasoned decision within 60 days of becoming aware of the loss. Compensatory proceedings shall be duly governed by the rules of disciplinary proceedings. The judge may turn to a court against the employer's decision within 15 days.

54. Employer's Liability for Compensation

Section 135

(1) Regardless of its culpability, the employer shall owe full liability for any loss caused to a judge in connection with his service relationship.

(2) The employer shall be exempt from liability if it proves that the loss was caused by insuperable circumstances beyond its control or solely by the injured party's insuperable practice.

(3) No compensation shall be provided against the part of the loss that was caused by the injured party's culpable practice.

(4) The judge concerned shall substantiate that the loss or damage was caused in connection with his service relationship.

Section 136

(1) The employer shall owe liability under Section 135 for any damage to the personal belongings of judges taken to the work place.

(2) The employer may require the placement of personal belongings taken to the work place in a specified area and/or the reporting of the placement in custody of personal belongings at the work place. The employer may prohibit, restrict or render conditional the storage at the work place of personal belongings not necessary for travelling to work or for the performance of work. If a judge violates the rules so prescribed, the employer shall only owe liability in the event of any loss or damage caused wilfully.

Section 137

(1) Based on its liability under Sections 135 and 136, the employer shall be obliged to compensate judges for any opportunity cost, material damage, non-pecuniary loss and any justified costs incurred in connection with an injury or the avoidance thereof.

(2) In determining a judge's opportunity cost incurred in respect of his service relationship, the employer shall take into consideration the judge's lost salary and the monetary value of any regular services that the judge is entitled to on the basis of his service relationship, provided that he regularly availed himself thereof prior to the emergence of the loss or damage.

(3) Those regular earnings forfeited by virtue of the emergence of a loss or damage may be taken into consideration as opportunity cost beyond the service relationship which the judge received within the framework of his gainful employment engaged in on the basis of Section 40 (1).

(4) Upon the quantification of any opportunity cost, the employer shall also take account of any future changes, the emergence of which at a fixed point in time was foreseeable.

(5) No compensation shall be provided against the value of services which are, by virtue of their purpose, only available in the event of the performance of work as well as against amounts received on the grounds of cost allowance.

Section 138

(1) The value of benefits provided in kind and the amount of any material loss or damage shall be determined on the basis of the consumer prices governing at the time of the quantification of the damages due.

(2) The amount of any material loss or damage shall be calculated with a view to depreciation. If the damage caused can be repaired without depreciation, the repair costs shall be taken into consideration as damage or loss.

Section 139

(1) The employer shall also provide compensation against any loss and justified costs incurred by the relatives of judges in connection with the above loss or damage.

(2) If the judge died as a consequence of the damage caused, his dependant relative may, in addition to the damages referred to in Paragraph (1), also demand substitute damages of an amount that serves to meet his needs to the pre-injury standards, also with regard to his actual and/or attainable income as anticipated.

Section 140

In calculating the amount of damages, the following shall be deducted from the damages:

- a) pension contributions, health insurance contributions and employee contributions falling on the lost salary,
- b) value of services due within the boundaries of state health and social insurance,
- c) the amount which the judge earned through the utilisation of his work force, not including any income attained through extraordinary effort in the event of the judge's disability,

- d) the amount which the judge obtained through the utilisation of the damaged item of property,
- e) the amount which the beneficiary saved through the loss or damage caused.

Section 141

(1) An allowance may also be stipulated as a form of compensation. A regular allowance shall be awarded if the compensation serves to support or to supplement the maintenance of the injured party or a dependant relative entitled to maintenance and support.

(2) If the extent of the loss or a part thereof cannot be calculated precisely, the employer shall pay general damages of an amount that is sufficient to fully financially compensate the injured party. An allowance may also be stipulated as general damages.

(3) If a change occurs in the judge's material circumstances after the awarding of damages, both the injured party and the employer may request the alteration of the damages awarded.

Section 142

(1) Judges shall enforce their claims for compensation vis-à-vis the employer in writing. The employer shall provide a reasoned, written answer with respect to the acknowledgement or refusal of the claim within 60 days. If the employer acknowledges its liability for compensation, the employer shall without delay take action for providing compensation against the loss or damage.

(2) If the employer did not acknowledge or only partially acknowledged its liability for compensation and further if the amount awarded is, in the injured party's reasonable opinion, insufficient to fully remedy the injury, the injured party may enforce his claim before a court.

Section 143

(1) For the purposes of expiry, a claim for the payment of the difference between

- a) the salary and sickness benefit,
- b) the salary and the earnings reduced by virtue of the injury,
- c) the average salary and the disability pension

shall be regarded as an independent claim.

(2) If multiple new claims emerge in connection with the injury that fall due at different times, the expiry of each claim shall be reckoned independently and separately, as of the time when the given individual claim fell due.

(3) With regard to the distinction set forth in Paragraph (1), the period of limitation shall commence

- a) as of the day of the first payment of sickness benefit,
- b) as of the date when the judge's reduced working capacity setting in as a consequence of the injury led to a loss manifested in a loss of income for the first time,
- c) as of the date of eligibility for a disability pension.

(4) A claim for an allowance may only be enforced retroactively to a date beyond 6 months if the beneficiary is not responsible for any omission in connection with the enforcement of the claim. A claim for an allowance retroactive to a period of more than three years may not be enforced.

Section 144

(1) The employer may request the judge or his relative to supply a certificate of his work-related income and earnings annually as necessary.

(2) The employer shall notify the injured party within 15 days if it implemented a pay rise that warrants a change in the rate of the damages awarded.

Chapter X Legal Disputes Arising from the Service Relationships of Judges

55. Service Dispute and Proceeding Agencies

Section 145

(1) Judges may initiate service disputes for the enforcement of their claims arising from their service relationships. A legal dispute may only be initiated against the decision of the person exercising the employer's rights adopted as part of his deliberative powers if the employer violated the legal rules governing the adoption of its decisions.

(2) Except as set forth in Section 146, the service court shall proceed in service disputes.

Section 146

(1) The administrative and labour court shall proceed in service disputes not delegated by the present Act to the competence of the service court.

(2) A statement of claim shall be submitted to the administrative and labour court within 15 days of the measure (decision) or practice objected to or the lack thereof.

Chapter XI Personal Files

56. Data Content and Management of Personal Files

Section 147

(1) Personal files shall be kept of judges with the content determined in Paragraph (2).

(2) The personal file shall contain the documents necessary for the appointment, the official certificate issued by the criminal records agency, the judge's curriculum vitae and photo, the oath deed, the personal data form, deeds relating to the appointment, position, electronic signing authorisation and managerial appointment of the judge, documents concerning the evaluation of the judge, data relating to attendance of organised mandatory and optional training courses, documents verifying attendance of training courses, deeds regarding official acknowledgements and

decorations, information on any disciplinary sanction in force and damages awarded. Annex No. 1 to the present Act determines the data content of the personal data form. Unless the present Act provides otherwise, no data beyond the data items specified in the Annex may be obtained or kept records of. Judges shall without delay report any changes in their recorded data.

(3) The NJO shall fulfil the duties related to the central registration of the personal files of judges. The data of judges posted at the Ministry shall be kept in the records of the Ministry. The personal data forms of judges shall also be kept on file at the tribunal, court of appeal or Curia.

(4) In the absence of the authorisation of the present Act, the personal files may not be linked to any other registration system.

Section 148

(1) A judge may at any time view his personal file and shall be entitled to request the correction of data recorded incorrectly and the deletion of data recorded unlawfully and to refuse to supply data requested unlawfully. The personal file may only be viewed by the manager exercising the employer's rights and, based on his authorisation, employees making preparations for and implementing managerial decisions.

(2) Any information on the data of judges recorded in their personal files and the contents of documents, not including data relating to the judge's name, position, service post and electronic signing authorisation, may only be disclosed to justice administration agencies, while data from the records of electronic signing authorisations may be forwarded to the extent necessary under ESA to the Service Provider for the provision of services related to electronic signatures.

Section 149

Personal files shall be kept for 50 years following the cessation of the judge's service relationship, except as set forth in Section 100 (4).

Chapter XII Remuneration of Judges

57. Salary and Benefits of the President of the Curia

Section 150

(1) The monthly salary of the President of the Curia is 39 times the civil servant pay base.

(2) The social security status of the President of the Curia shall be governed by the rules relating to persons engaged in a judicial service relationship.

(3) The term of the mandate of the President of the Curia shall qualify as time completed in a judicial service relationship and as service time providing eligibility for a pension.

Section 151

The President of the Curia shall be entitled to forty working days of leave every calendar year.

Section 152

(1) The President of the Curia shall be entitled to use the presidential residence.

(2) The President of the Curia shall be entitled to use two passenger cars for personal and official purposes.

(3) The President of the Curia may use all health care services free of charge in accordance with the agreement between the service provider health care institution and the Curia.

(4) The President of the Curia shall have free-of-charge access to mobile telephone and Internet services and shall be entitled to use the governmental telecommunication network.

Section 153

(1) The President of the Curia shall be entitled to an escort and a cost allowance for the duration of official secondment abroad.

(2) The cost allowance shall include

a) the daily allowance abroad of state leaders as set forth in a separate legal rule and

b) the amount of any justified costs incurred in connection with the secondment abroad verified on the basis of invoices.

(3) If the President of the Curia travels abroad by air on a scheduled flight or by train, he may travel first class or may use equivalent travel comfort services.

(4) The President of the Curia shall be entitled to use the airport government lounge facilities on travelling abroad and returning to Hungary from abroad as well as for the purpose of receiving and accompanying official foreign delegations.

Section 154

The President of the Curia shall be entitled to personal protection extending to both official and private programmes as set forth in the legal rule on the protection of protected persons and designated facilities.

Section 155

The President of the Curia and his spouse, common-law spouse, children, parents, grandparents and the spouses of his children accompanying the President of the Curia shall be entitled to use the Government's central holiday home against the payment of a fee. The fee shall include the cost of accommodation, meals and holiday services.

Section 156

In the event of the death of the President of the Curia, his spouse, or in the absence thereof, his common-law spouse (hereinafter collectively referred to as „widow/er”), in the absence of a widow/er, his heir, in the case of multiple heirs, his heirs, shall be entitled to a benefit of an amount that is equal to the two-month salary of the President of the Curia in one sum.

58. Salary and Benefits of the Vice-President of the Curia

Section 157

(1) The Vice-President of the Curia shall, regardless of his service time, be placed in the highest pay grade.

(2) The Vice-President of the Curia shall be entitled to a position benefit in accordance with the rule of the present Act governing the position supplements of the judges of the Curia.

(3) The Vice-President of the Curia shall be entitled to the managerial supplement determined in Annex No. 3.

Section 158

The benefits of the Vice-President of the Curia shall be duly governed by the rules relating to benefits provided for ministers of the Government Decree on the benefits provided for state leaders and the civil servants of state administration agencies and the terms and conditions thereof.

59. Salary and Benefits of the President of the NJO

Section 159

(1) The President of the NJO shall, regardless of his service time, be placed in the highest pay grade.

(2) The President of the NJO shall be entitled to a position benefit. The amount of the position benefit is 60 per cent of the pay base of judges.

(3) The President of the NJO shall be entitled to a managerial supplement. The amount of the managerial supplement is 130 per cent of the pay base of judges.

Section 160

The benefits of the President of the NJO shall be duly governed by the rules relating to benefits provided for ministers of the Government Decree on the benefits provided for state leaders and the civil servants of state administration agencies and the terms and conditions thereof.

Section 161

If the judicial office of the President of the NJO ceases without the cessation of the office of President of the NJO, the remuneration of the President of the NJO shall be duly governed by the rules relating to the remuneration of ministers of the Act on central state administration agencies and the status of the members of the Government and state secretaries, while his benefits shall be

duly governed by the rules relating to benefits provided for ministers of the Government Decree on the benefits provided for state leaders and the civil servants of state administration agencies and the terms and conditions thereof. His status shall in other respects be governed by the Act on the status and remuneration of judges, with the proviso that if the President of the NJO becomes eligible for an old-age pension, the net amount of his remuneration shall be reduced by the net amount of the monthly pension he is entitled to.

60. Salary and Benefits of the Vice-President of the NJO

Section 162

(1) The Vice-President of the NJO shall, regardless of his service time, be placed in the highest pay grade.

(2) The Vice-President of the NJO shall be entitled to a position benefit. The amount of the position benefit is 60 per cent of the pay base of judges.

(3) The Vice-President of the NJO shall be entitled to a managerial supplement. The amount of the managerial supplement is 60 per cent of the pay base of judges.

Section 163

The benefits of the Vice-President of the NJO shall, regardless of whether this position is occupied by a judge or not, be duly governed by the rules relating to benefits provided for state secretaries of the Government Decree on the benefits provided for state leaders and the civil servants of state administration agencies and the terms and conditions thereof.

Section 164

If the Vice-President of the NJO is a judicial employee, his remuneration and status shall be governed by the provisions of the Act on the service relationship of judicial employees and the organisation and administration of courts.

61. Common Rules

Section 165

If the mandate of the President and Vice-President of the Curia and the President and Vice-President of the NJO ceases, they shall be entitled to use a title in reference to this mandate, unless the mandate ceased due to removal from office or on the basis of Section 90, Points c), e) or i).

Section 166

(1) Any costs incurred in connection with the benefits due to the President and Vice-President of the Curia and the President and Vice-President of the NJO shall lie with the Chapter of the Act on the central budget relating to courts, unless a rule of law provides otherwise.

(2) The President, Vice-President ~~and former President~~ of the Curia and the President and Vice-President of the NJO shall without delay inform the agency concerned of the data necessary

for the use of the benefits they are entitled to, including any changes in the data. Benefits collected on inadequate grounds shall be repaid within 15 days of the receipt of a notice to that effect.

62. General Rules of Remuneration

Section 167

In the event of the fulfilment of the conditions determined in the present Act, judges shall be entitled to

- a) a salary,
- b) other remuneration, benefits and cost allowances.

63. Salaries of Judges

Section 168

The salaries of judges shall consist of a basic salary and supplements. The position supplement, the managerial supplement and the title supplement form part of the basic salary in their nature.

64. Pay Base of Judges and Basic Salaries of Judges

Section 169

(1) The basic salaries of judges shall be determined on the basis of their service time calculated in accordance with the present Act, as the product of the judicial pay base and the multipliers determined in Annex No. 2 to the present Act for each pay grade.

(2) The judicial pay base shall be determined in the Act on the central budget in such a way that the amount thereof may not be lower than that of the previous year.

Section 170

(1) A judge who does not yet have any judicial service time upon his appointment or whose service time does not exceed 3 years shall be classified into pay grade 1.

(2) Judges shall proceed one pay grade higher after the acquisition of every 3 years of service time.

Section 171

In the event of an excellent, suitable for promotion or excellent and fully eligible evaluation grade, a judge may be promoted to one higher pay grade twice during the existence of his judicial office based on the recommendation of the relevant division. There shall be a minimum period of six years between two extraordinary pay promotions. In the case of an extraordinary pay promotion, the time completed in the previous pay grade shall be taken into consideration as time completed in the new pay grade. Extraordinary pay promotions shall be effected as of the first day of the given year.

Section 172

(1) Except as set forth in Paragraph (2), service time shall be calculated as of the day of appointment as a judge.

(2) Time completed in a judicial or prosecution service relationship prior to the appointment shall be taken into consideration as service time. Time completed in any other legal relationship or activity tied to a bar examination prior to appointment as a judge may be partly or fully taken into consideration as service time.

(3) Any fraction year shall be taken into consideration as a full year upon the calculation of service time.

65. Position Supplement and Title Supplement

Section 173

(1) District court judges, administrative and labour court judges, tribunal judges, court of appeal judges and the judges of the Curia shall be entitled to a position supplement.

(2) The amount of the position supplement is

- a) 10 per cent of the judicial pay base in the case of district court judges,
- b) 15 per cent of the judicial pay base in the case of administrative and labour court judges,
- c) 20 per cent of the judicial pay base in the case of tribunal judges,
- d) 40 per cent of the judicial pay base in the case of court of appeal judges,
- e) 60 per cent of the judicial pay base in the case of the judges of the Curia.

Section 174

(1) In the case of an excellent, suitable for promotion or excellent and fully eligible evaluation grade and minimum 6 years completed in actual judicial practice at the given court level, including time completed in a judicial service relationship at a more senior court, the NJC may award the following titles:

- a) „titular tribunal judge” to district court and administrative and labour court judges,
- b) „titular court of appeal judge” to tribunal judges,
- c) „titular Curia judge” to court of appeal judges,
- d) „Counsellor of the Curia” to the judges of the Curia.

(2) After minimum twenty years completed in actual judicial practice at the given court level, including time completed in a judicial service relationship at a more senior court, the NJC shall award the following titles:

- a) „titular tribunal judge” to district court and administrative and labour court judges,
- b) „titular court of appeal judge” to tribunal judges,
- c) „titular Curia judge” to court of appeal judges,
- d) „Counsellor of the Curia” to the judges of the Curia.

(3) Upon the awarding of the titles under Paragraphs (1) and (2), titular tribunal judges shall be entitled to 20 per cent of the judicial pay base, titular court of appeal judges shall be entitled to 30 per cent of the judicial pay base, titular Curia judges shall be entitled to 50 per cent of the judicial pay base, while Counsellors of the Curia shall be entitled to 70 per cent of the judicial pay base as a supplement. Simultaneously, their eligibility for the position supplement attached to their actual positions shall cease.

Section 175

If a judge is transferred to an inferior court or is re-assigned to an inferior court out of service interests, not including disciplinary circumstances, he shall continue to remain entitled to his former position supplement and title as well as to the supplement attached to the title. If a judge is appointed as a manager at an inferior court or is re-assigned in a different position without the invitation of applications, these circumstances, too, shall qualify as service interests.

66. Managerial Supplement

Section 176

(1) Court managers shall be entitled to a managerial supplement as set forth in Annex No. 3.

(2) The managerial supplement shall be determined in percentage of the amount of the judicial pay base.

(3) A managerial supplement shall only be paid on grounds of a single position, the more senior managerial position.

Section 177

(1) For the purposes of the determination of the amount of the managerial supplement, the chair and vice-chair of a priority district court shall qualify as equal in position to the chair and vice-chair of a tribunal, the head of task force of a priority district court shall qualify as equal in position to the chair of a larger district court, while the deputy head of task force of a priority district court shall qualify as equal in position to the chair of a smaller district court.

(2) For the purposes of eligibility for a managerial supplement, a district court shall qualify as a priority district court where the authorised number of judges exceeds 50, while district courts operating at the seat of a tribunal and district courts where the authorised number of judges exceeds 8 shall qualify as larger district courts.

Section 178

(1) For the purposes of the determination of the amount of the managerial supplement, the chair and vice-chair of an administrative and labour court where

a) the authorised number of judges exceeds 50 shall qualify as equal in position to the chair and vice-chair of a tribunal,

b) the authorised number of judges exceeds 8 shall qualify as equal in position to the chair and vice-chair of a larger district court,

c) the authorised number of judges does not exceed 8 shall qualify as equal in position to the chair and vice-chair of a smaller district court.

(2) If the authorised number of judges at an administrative and labour court exceeds 50, the head of task force of such administrative and labour court shall qualify as equal in position to the chair of a larger district court, while a deputy head of task force shall qualify as equal in position to the chair of a smaller district court. If the authorised number of judges at an administrative and labour court exceeds 8, in the event of the establishment of task forces, the head and deputy head of task force shall qualify as equal in position to the head and deputy head of task force of a larger district court.

(3) For the purposes of the determination of the amount of the managerial supplement, a regional administrative and labour division head shall qualify as equal in position to a tribunal division head, while a regional public administrative and labour deputy division head shall qualify as equal in position to a tribunal deputy division head.

67. Foreign Language Supplement

Section 179

(1) A judge shall be entitled to a foreign language supplement if he uses the foreign language as part of his job responsibilities in accordance with the employer's instructions and holds a certificate verifying the passage of a state language examination in the given language or an equivalent certificate.

(2) A separate supplement shall be payable for each foreign language.

Section 180

(1) Monthly rate of the supplement per language certificate:

- a) in case of complex advanced language certificate, eight per cent of judicial pay base, in case of oral or written language certificate, four per cent;
- b) in case of complex intermediate language certificate, four per cent of judicial pay base, in case of oral or written language certificate, two per cent.

(2) Monthly rate of supplement per language certificate for verified knowledge of English, French and German as set forth in Section 179 (1):

- a) in case of complex advanced language certificate, twelve per cent of judicial pay base;
- b) in case of complex intermediate language certificate, eight per cent of judicial pay base;
- c) in case of complex elementary language certificate, two per cent of judicial pay base.

(3) If a judge holds oral or written language certificates in the foreign languages determined in Paragraph (2), he shall be entitled to a supplement at the rate determined in Paragraph (1) with respect to complex language certificates.

(4) If a judge holds language certificates of the same type but of different grades in the same language or language certificates of different types and different grades in the same language, he shall be entitled to the higher supplement rate. If a judge holds language certificates of different types but of the same grade, he shall not be entitled to a supplement that is higher than the supplement payable for a complex language certificate

(5) If a judge receives financial support for the acquisition of a language certificate on the basis of a study contract, not including a specialised advanced language certificate, he shall not be entitled to a foreign language supplement until the combined amount of the supplement payable monthly reaches the rate of the financial support provided on the basis of the study contract.

68. Extra Supplement and Qualification Supplement

Section 181

(1) The person exercising the employer's rights may award an extra supplement to a judge for a fixed term or for the duration of the fulfilment of a given assignment to the debit of the budget of payments to personnel allocated for priority purposes as determined in the budget chapter of the Act on the Central Budget relating to courts if the judge regularly fulfils spokesperson or instructor duties or other duties related to general operations in addition to his job responsibilities forming part of the basic activities of the court.

(2) The amount of the extra supplement may extend from five per cent to thirty per cent of the pay base and may not exceed forty per cent of the pay base even in the event of the fulfilment of multiple duties.

Section 182

(1) The person exercising the employer's rights may award a qualification supplement to a judge to the debit of the budget of payments to personnel allocated for priority purposes as determined in the budget chapter of the Act on the Central Budget relating to courts upon the acquisition of specialised qualifications in higher education in the school system or in further training and the acquisition of doctoral (PhD) or higher academic degrees if the skills and qualifications so acquired may be directly used for the fulfilment of his job responsibilities or in the course of the fulfilment of the duties of the court.

(2) The amount of the qualification supplement may extend from ten per cent to thirty per cent of the pay base.

(3) If the judge receives financial support for the acquisition of qualifications on the basis of a study contract entered into with the employer, he shall not be entitled to a qualification supplement until the amount of the supplement payable monthly reaches the amount of the financial support provided on the basis of the study contract.

69. Other Remuneration, Benefits and Cost Allowances

Section 183

(1) Judges shall be entitled to the benefits listed in Section 71 (1), Points a) to f) and Paragraph (3) of Act CXVII of 1995 on Personal Income Tax as „fringe” benefits, at their discretion also with regard to the provision set forth in Section 12 (3) of Act XCVI of 1993 on Voluntary Mutual Insurance Funds, maximum up to the rate determined therein. The President of the NJO

may also determine further optional benefits in an instruction and may increase the optional rates of the individual benefits.

(2) Judges on long-term secondment abroad shall not be entitled to fringe benefits, while judges shall not be entitled to fringe benefits for periods, in respect of which they are not entitled to a salary or average earnings, provided that the duration of their absence exceeds thirty days.

(3) Judges shall state in writing or by e-mail the types of benefits they request as part of the total amount of the fringe benefit by 15 January of the subject year or upon the establishment of the judicial legal relationship or upon transfer. This statement may only be altered subsequently if permitted by the President of the NJO in an instruction. The President of the NJO may prescribe in an instruction that requests for the option of local travel passes be made at an earlier date.

(4) The annual amount of the fringe benefits due to judges shall be determined by the President of the NJO, however, it may not be lower than fifty per cent of the judicial pay base and may not be higher than three times the judicial pay base. The annual amount of the fringe benefits also includes the sum necessary for the payment of the taxes and contributions payable by the employer in connection with the individual benefits.

(5) In the case referred to in Paragraph (2) or if the judge's service relationship is terminated mid-year, the value of any fringe benefits received in excess of the pro rata part shall be repaid on the first working day following the end of the absence or upon the cessation of the judicial service relationship, or, at the judge's discretion, if permitted by the nature of the benefit, any such benefit shall be returned (hereinafter collectively referred to as „repayment"). The value of the fringe benefits need not be repaid if the legal relationship ceases due to the judge's death.

(6) If the judge is transferred mid-year, he shall be entitled to fringe benefits from the individual employers on a pro rata basis. If the judge availed himself of fringe benefits in excess of the pro rata part with the former employer, no obligation of repayment shall lie with the judge, however, the value of the fringe benefits available from the new employer shall be reduced by the rate in excess of the pro rata part, maximum up to the total of the benefits available from the new employer.

Section 184

(1) Judges with a service time of 25, 30, 35 and 40 years shall be entitled to a jubilee bonus.

(2) The jubilee bonus shall amount to the judge's two-month salary after 25 years of service, three-month salary after 30 years of service, four-month salary after 35 years of service and five-month salary after 40 years of service.

(3) Upon the calculation of the service time providing eligibility for a jubilee bonus, in addition to time completed in a judicial service relationship, time completed in a prosecution service relationship, as a judicial employee, as a member of the Constitutional Court, as a Parliamentary Commissioner or as Commissioner of Fundamental Rights, as a Member of Parliament, as a full-time mayor or full-time deputy mayor, as a state leader, in a government servant legal relationship, in a public service relationship, as a public sector employee, in a service relationship with the armed forces and the Hungarian Defence Forces and other employment-related legal relationships (in employment, in a legal relationship of an employment nature with a cooperative after 20 January 1992 [Section 56 (2) of Act X of 2006] shall also be taken into consideration.

(4) In addition to the periods referred to in Paragraph (3), terms completed as an attorney and the service terms of notaries and court bailiffs, too, shall be taken into consideration as time providing eligibility for a jubilee bonus, not including the term of the suspension of activities as an attorney and of the notary and court bailiff service.

(5) If, upon the calculation of the time providing eligibility for a jubilee bonus, multiple legal relationships may be taken into consideration with respect to the same period, only one of those legal relationships may be taken into account.

(6) If a judge received a jubilee bonus in any former employment relationship, he shall not be entitled to a bonus of the same grade.

(7) The following shall be paid to judges if their judicial service relationship is terminated due to their retirement:

- a) the jubilee bonus that may fall due in the year of their retirement;
- b) the jubilee bonus due for 30 years of service if there are 2 years or less left of their service relationship making them eligible for a jubilee bonus;
- c) the jubilee bonus due for 35 or 40 years of service if there are 3 years or less left of their service relationship making them eligible for a jubilee bonus.

(8) If the judge's service relationship ceases due to the judge's death, the jubilee bonus shall be paid to his heir, subject to the application of the rules set forth in Paragraphs (6) and (7).

Section 185

Judges shall be entitled to remuneration for any duty and stand-by service completed beyond the working hours. The amount payable is the judge's salary falling on the hours completed on duty and 50 per cent thereof in the case of stand-by service. If the judge completes a duty or stand-by service on a day of rest or bank holiday, he shall be entitled to a fee at the rate of double his normal remuneration.

Section 186

(1) If a judge is sent on an assignment to a court operating in a locality other than that of his service post from which he is unable to return to his place of work daily, he shall be entitled to a flat-rate meal allowance for the working days completed on the assignment, in addition to the reimbursement of his travel and accommodation costs. If the assignment is ordered on the basis of Section 32 (1), the judge shall be entitled to 150 per cent of the allowance.

(2) A judge who fills his position on the basis of an application invited with regard to Section 33 shall be entitled to a commitment supplement. The amount of the supplement is 20 per cent of the amount of the judge's pay base.

Section 187

(1) In the case of an assignment in Hungary, judges shall be entitled to 20 per cent of the part of the judicial pay base falling on one working day as a daily allowance to cover any excess costs related to meals. If the duration of the assignment does not exceed six hours but reaches four hours, one half of the daily allowance shall be due. Upon the calculation of the amount of the daily allowance, 21 days shall be taken into consideration monthly.

(2) No daily allowance may be accounted for in respect of working days when the judge is entitled to an assignment fee and further if the employer provides all daily meals in kind at the place of the assignment.

(3) When hotel services are used, if the hotel costs include the price of mandatory breakfast, the amount of the daily allowance shall be reduced by 20 per cent.

(4) In the case of assignments and temporary secondment, judges shall be entitled to travel first class by train.

Section 188

(1) Housing support may be provided for judges, of the following types, in particular:

a) provision of housing for relocation to a different residence due to an appointment out of court interests, transfer or temporary secondment against the payment of rent, not including the case of a temporary secondment out of court interests;

b) support for the acquisition, extension or refurbishment of housing property in the locality or catchment area of the judge's residence or service post with an interest-free employer loan;

c) contribution to housing costs;

d) contribution to costs of relocation to another locality.

(2) The lease on a flat managed by a court may be maintained until the cessation of the judge's judicial service relationship, at the latest.

Section 189

(1) Judges may also be given other benefits, outside the fringe system, subject to the funds allocated in the annual budget of courts, in particular,

a) voluntary supplementary fund membership support,

b) settlement aid,

c) contribution to costs of relocation to another locality,

d) social and funeral aid, family support,

e) scholarship, training, further training and language learning support,

f) pay advance,

g) financial reward for time completed in judicial service relationship,

h) in case of long-term judicial service relationship, life insurance with a savings

feature,

i) local travel support,

j) support for the purchase of automobiles in the form of suretyship or preferential

loans.

(2) Retired judges may be awarded monetary benefits and benefits in kind.

(3) The President of the NJO shall establish the detailed terms and conditions and rates of the benefits mentioned in Paragraphs (1) and (2) in cooperation with the employee representative organisations concerned.

Section 190

(1) The State shall assume joint and several suretyship for the part in excess of 60% of the credit collateral value of the housing property serving to secure the amount of the loan taken out with a state interest subsidy by judges from credit institutions for the construction or purchase of a home but maximum up to 100% of this credit collateral value.

(2) The State may, in addition to the case set forth in Paragraph (1), also assume joint and several suretyship in the case of judges who

- a) have a minimum three-year judicial service relationship,
- b) do not serve their term of exemption or resignation,
- c) are not under the effect of disciplinary proceedings or disciplinary sanctions,
- d) are not under the effect of criminal proceedings,
- e) have repaid the credit institution the former credit instalment secured with suretyship referred to in Paragraph (1) and the spouse or common-law spouse living in the same household is not obliged to make amortisation payments on a housing loan secured with state suretyship at the time of the application,
- f) prove to have a satisfactory credit rating with respect to the full amount of the loan in accordance with the lender credit institution's internal rules, also with regard to their own income situation and that of any co-debtors.

(3) For the purposes of Paragraph (2), Point a), the judge's former judicial employee service relationship or prosecution service relationship shall also be taken into consideration.

(4) The fulfilment of the conditions set forth in Paragraph (2), Points a) to c) and the existence of the service relationship serving as the basis of the said suretyship shall be verified by the person exercising the employer's rights.

(5) Judges shall verify the fulfilment of the condition set forth in Paragraph (2), Point d) on the basis of an official certificate, while judges shall issue a declaration to the lender credit institution with respect to the fulfilment of the conditions set forth in Paragraph (2), Point e).

Section 191

(1) Judges shall report the following to the person exercising the employer's rights within five working days of the conclusion of a credit contract:

- a) name and address of financial institution concluding credit contract,
- b) size of loan secured with state suretyship,
- c) date of maturity of loan.

(2) Judges shall, without delay, inform the person exercising the employer's rights of any changes in the data mentioned in Paragraph (1).

Section 192

(1) If a judge's service relationship is terminated on the basis of Section 25 (1), Section 90, Point a), Section 90, Point b), provided that ineligibility is not a consequence of health-related circumstances, and Section 90, Points c) to e), i) and k) to m), the judge shall pay the central budget a one-time suretyship fee via the credit institution on the outstanding state suretyship. The rate of the suretyship fee is two per cent of the amount of the liability secured with the suretyship.

(2) The person exercising the employer's rights shall notify the credit institution reported by the judge on the basis of Section 191 (1) in the event of the cessation of the judge's service relationship under Paragraph (1) within eight days.

(3) The credit institution shall establish the amount of the suretyship fee payable under Paragraph (1) and shall inform the judge thereof within eight days in writing. The judge shall pay the suretyship fee to the disbursing credit institution within thirty days of the receipt of the credit institution's notification.

(4) If the judge fails to meet his payment obligation under Paragraph (1), the credit institution shall notify the state tax authority thereof and of the judge's details within eight days.

(5) If, based on its joint and several suretyship, the State paid an amount secured with suretyship that the credit institution was unable to recover in place of the judge or the judge failed to pay the one-time suretyship fee under Paragraph (1), these debts of the judge shall qualify as public debts towards the Hungarian State which shall be collected by the state tax authority as taxes.

(6) The method of the fulfilment of obligations arising from suretyship shall be determined by the Government in a regulation.

Section 193

The credit institution shall inform the Treasury of the portfolio as at the end of the quarter of the part of the loans provided for judges covered by state suretyship as well as of the number of these loans by the 15th day of the month following the quarter. Data may only be gathered and supplied in a way that does not permit the identification of individuals.

Section 194

Judges may be awarded decorations established by virtue of the Act on the use of Hungary's coat of arms and national flag and state decorations as well as distinctive titles, awards, certificates, plaques or other acknowledgements established on the basis of statutory authorisation.

70. Specific Provisions Governing Judges Posted at the Curia, the NJO and the Ministry

Section 195

(1) Judges posted at the Curia, the NJO and the Ministry shall be governed by the provisions set forth in Sections 167 to 194 subject to the differences set forth in Paragraphs (2) to (6).

(2) Judges shall be entitled to their position supplements in accordance with their former positions. If a judge previously worked at a local court or district court, he shall be entitled to the position supplement applicable to tribunal judges, and the term of service completed as a judge posted at the Curia, the NJO and the Ministry shall be regarded as time completed at a tribunal.

(3) Judges in the positions of head of division, deputy head of division and head of department at the NJO and the Ministry shall be entitled to managerial supplements as set forth in Points a) and b). The managerial supplement shall be equal to the amount applicable to

a) the chair and deputy chair of a tribunal in the case of division heads and deputy division heads,

b) the chair of a larger district court in the case of department heads.

(4) A judge posted at the NJO shall, over and above the position supplement due under Paragraph (2), also be entitled to 10 per cent of the amount of the judicial pay base.

(5) The NJC shall be entitled to promote judges and to award higher judicial titles on an extraordinary basis, based on the recommendation of the minister responsible for justice in the case of judges posted at the Ministry, the President of the NJO in the case of judges posted at the NJO and the President of the Curia in the case of judges posted at the Curia.

(6) Judges shall not be entitled to a duty or stand-by fee; a flat-rate remuneration may be determined for any overtime in accordance with the rules applicable to government servants.

Section 196

(1) The remuneration and any other monetary benefits due to judges and lay assessors on the basis of the present Act or another rule of law shall be paid by transfer to the payment account designated by them, or in the absence of a payment account, by way of the delivery of cash payments from a money transaction account.

(2) Transfer of the remuneration to the payment account and the withdrawal or disbursement of the amount in one sum may not cause judges and lay assessors extra costs.

Chapter XIII Financial Disclosure Statement

71. Obligation of Making Financial Disclosure Statements and Persons Obligated to Make Financial Disclosure Statements

Section 197

For the purpose of the unbiased and impartial enforcement of fundamental rights and obligations, the maintenance of the transparency and integrity of public life and the prevention of corruption, judges shall make financial disclosure statements with the data content regulated in Annex No. 4, in accordance with the procedural rules determined in the present Act (hereinafter referred to as „judicial financial disclosure statement”) and shall further render an account every three years of any accumulated excess wealth compared with the previous financial disclosure statement and the income sources thereof. Judges shall also issue separate financial disclosure statements in respect of their spouses, common-law spouses and children (hereinafter in the present Chapter collectively referred to as „relatives”) sharing the same household (hereinafter referred to as „relative financial disclosure statements”). Unless the present Act provides otherwise, relative financial disclosure statements shall be governed by the rules relating to judicial financial disclosure statements.

Section 198

A financial disclosure statement shall be made prior to the taking of the oath, and thereafter by the 31st of March in the year in which this obligation repeatedly falls due.

Section 199

(1) The judicial and relative financial disclosure statements (hereinafter collectively referred to as „financial disclosure statements”) consist of two separate parts; a personal part containing personal data and a financial disclosure part containing the statement.

(2) The personal part of the financial disclosure statement shall be completed in two copies. One copy of the personal part of the judicial and relative financial disclosure statements shall be handed over in a sealed envelope furnished with a registration number assigned to the judge in the personal files to the person exercising the employer’s rights or, in the case of managers falling within the appointment powers of the President of the NJO, to the President of the NJO (hereinafter collectively referred to as the „person exercising the employer’s rights”), while the other copy shall be retained by the judge.

(3) Judges shall enclose a separate statement with the personal part of the financial disclosure statement in which they authorise the NJO to manage their personal data for the purpose of the verification of the data contained in the financial disclosure statement to the extent necessary. The authorisation shall be committed to a private deed with full probative force.

(4) The authorisation referred to in Paragraph (3) shall also be obtained from the relatives sharing a household with the judge and shall be enclosed with the personal part of the relative financial disclosure statement.

72. Extraordinary Financial Disclosure Statement

Section 200

(1) The person exercising the employer’s rights may require a judge to make a financial disclosure statement regardless of the date determined in Section 198 if a report is filed with respect to the judge’s financial situation, on the basis of which it may be reasonably presumed that his accumulated excess wealth cannot be justified on the basis of his service relationship or any other income derived from legal sources disclosed to the employer.

(2) A judge may not be required to make an extraordinary financial disclosure statement if the report filed is anonymous or is obviously unfounded or contains facts or circumstances, with respect to which the person exercising the employer’s rights previously called upon the judge to make a statement. The delivery, management and comparison of extraordinary financial disclosure statements and the institution and implementation of verification proceedings shall be governed by the general rules.

73. Management of Financial Disclosure Statements and Access to Financial Disclosure Statements

Section 201

(1) The financial disclosure part of the judicial financial disclosure statement shall be completed in three copies, while the financial disclosure part of the relative financial disclosure statement shall be completed in two copies. Two copies of the financial disclosure part of the judicial financial disclosure statement and one copy of the financial disclosure part of the relative financial disclosure statement shall be handed over to the person exercising the employer’s rights in separate sealed envelopes furnished with the judge’s registration number. The third copy of the financial disclosure part of the judicial financial disclosure statement and the other copy of the financial disclosure part of the relative financial disclosure statement shall remain with the judge.

(2) The person exercising the employer's rights shall verify the receipt of the personal and financial disclosure parts of the financial disclosure statement in writing.

(3) The person exercising the employer's rights shall send one copy of the sealed envelope containing the financial disclosure part of the judicial financial disclosure statement and the sealed envelope containing the financial disclosure part of the relative financial disclosure statement to the President of the NJO. The NJO shall provide for the management of the sealed envelopes containing the financial disclosure parts.

(4) All documents related to financial disclosure statements shall be kept separately from any other documents.

Section 202

(1) The NJO shall keep the financial disclosure parts of judicial and relative financial disclosure statements, while the person exercising the employer's rights shall keep the sealed envelopes containing the personal parts of judicial and relative financial disclosure statements and the financial disclosure parts of judicial financial disclosure statements for 10 years but maximum until the termination of the judge's service relationship. The NJO may also manage the data of the financial disclosure part in an electronic registration system. The computer records of these data items may not be linked to other data systems and may not be processed for purposes not related to verification. Following the expiry of the above time limit, the data of the personal and financial disclosure parts of judicial and relative financial disclosure statements shall be destroyed and shall be deleted from any computer records.

(2) In the event of the cessation of cohabitation in a shared household, the provisions of Paragraph (1) shall apply to the relative's data.

(3) The person exercising the employer's rights shall provide for the destruction of the personal and financial disclosure parts of judicial and relative financial disclosure statements and shall, without delay upon the expiry of the term established for the preservation of financial disclosure statements, contact the NJO by simultaneously supplying the registration number and supplementary code in order to seek the return of the financial disclosure statements managed there. The NJO shall return financial disclosure statements within 15 days of the receipt of such request.

Section 203

(1) The judge and the person exercising the employer's rights shall be entitled to view the judge's financial disclosure statement, while the financial disclosure statements of relatives may be viewed by the relatives sharing a household with the judge in respect of the data relating to their persons. In the case of a verification procedure as set forth in the present Chapter, the members of the NJO shall be entitled to view both the judicial and relative financial disclosure statements. In the case of a service dispute, both the judicial and relative financial disclosure statements may be viewed by the service court and the court.

(2) Any information on the data contained in the financial disclosure statement may only be disclosed to third parties with the written consent of the judge and the relative sharing a household with him in respect of any data relating to his person.

(3) The person exercising the employer's rights and the NJO shall ensure that financial disclosure statements are managed in compliance with the rules of data protection and that persons other than those defined in Paragraphs (1) and (2) have no access to the contents thereof.

(4) Upon the cessation of the service relationship, the financial disclosure statement shall be returned to the judge. In the event of the termination of cohabitation in a shared household, the part of the financial disclosure statement relating to the relative shall be returned to the relative.

(5) The President of the NJO shall establish the detailed rules relating to the delivery, management and verification of financial disclosure statements and the protection of the data contained therein.

74. Verification Procedure

Section 204

Within sixty days of the delivery of the financial disclosure statement, the person exercising the employer's rights shall compare the statement with the judge's previous financial disclosure statement in the judge's presence. If the judge's income derived from his service relationship or any other income derived from legal sources disclosed to the employer does not justify the accumulated excess wealth, the person exercising the employer's rights shall initiate a verification procedure with the NJC within fifteen days of the comparison of the judicial financial disclosure statements and shall simultaneously send the sealed envelopes containing the personal parts of the judicial and relative financial disclosure statements and the authorisations enclosed therewith [Section 199 (3) and (4)]. Minutes shall be taken of the comparison, the hearing of the judge and the initiation of the verification procedure, a copy of which shall be handed over to the judge.

Section 205

(1) The verification procedure shall be conducted by the NJC or the member appointed by it.

(2) If a verification procedure is initiated, the data of the personal and financial disclosure parts shall be assigned to one another with the aid of the data stated in the personal part for the purpose of verification. The verification procedure shall be completed within six months. Following the conclusion of the verification procedure, the personal and financial disclosure parts shall be separated and the envelope containing the data of the personal part shall be returned to the person exercising the employer's rights and the data of the personal part shall be deleted from any computer records.

Section 206

(1) The purpose of verification is to determine the reason for the accumulation of wealth. The NJC or the member appointed by it

- a) may hear the judge, relatives sharing a household with the judge and other persons,
- b) may order the services of experts,
- c) may obtain data from other agencies and persons.

(2) The persons intended to be heard have no obligation to make a statement. It is compulsory to attempt to hear the judge. The persons and agencies contacted shall meet the obligation of data disclosure in accordance with the legal rules applicable to them.

(3) The judge and, in respect of the data relating to them, relatives sharing a household with the judge shall be entitled to view the data obtained as set forth in Paragraph (2) regardless of the method of the registration of the data.

(4) Provided that no legal dispute or criminal proceedings arising from the judicial service relationship are instituted on the basis of the findings of the procedure, any data received on the basis of Paragraph (2) shall be destroyed after the completion of the verification procedure.

Section 207

The NJC shall inform the person exercising the employer's rights of the findings of the verification procedure. The person exercising the employer's rights shall inform the judge and the NJC of his decision and the reasons for his decision within 15 days. If the judge disputes the decision of the person exercising the employer's rights adopted on the basis of Section 90, Point k), he may appeal to a court.

75. Provisions Relating to the President of the Curia and the President of the NJO

Section 208

(1) The provisions set forth in Sections 197 to 207 shall govern the President of the Curia and the President of the NJO subject to the differences set forth in the present Section and in Sections 209 and 210.

(2) The President of the Curia and the President of the NJO shall, within thirty days of their election, hand over one copy of the personal and financial disclosure parts of the financial disclosure statement under Annex No. 4 in a sealed envelope to the Speaker of the House. The committee of Parliament dealing with conflicts of interests (hereinafter referred to as the „committee”) shall provide for the management of the sealed envelopes.

(3) Upon the cessation of the mandate, the financial disclosure statement shall be returned to the President of the Curia and the President of the NJO. In the event of the termination of cohabitation in a shared household, the relevant financial disclosure statement shall be returned to the relative.

Section 209

(1) If a verification procedure is initiated, the data of the personal and financial disclosure parts shall be assigned to one another for the purpose of verification. Following the conclusion of the verification procedure, the personal and financial disclosure parts shall be separated.

(2) The verification procedure shall be conducted by an investigating committee comprised of three members established from the members of the committee by virtue of a draw. The committee shall inform Parliament of the findings of the verification procedure.

(3) In the context of financial disclosure statements, Parliament shall be construed as the person exercising the employer's rights.

Section 210

The financial disclosure statements of the President of the Curia and the President of the NJO, with the exception of any identification data, shall be public. The Speaker of the House shall provide for the publication of the financial disclosure statements. Any relative financial disclosure statements shall not be public.

76. Provisions Relating to Judges Posted at the Curia, the NJO and the Ministry

Section 211

The provisions of Sections 197 to 207 shall also govern judges posted at the Curia, the NJO and the Ministry, with the proviso that the person exercising the employer's rights is the President of the Curia, the President of the NJO and the minister responsible for justice, respectively.

Chapter XIV **Status and Remuneration of Lay assessors**

77. Status and Election of Lay assessors

Section 212

(1) Those Hungarian citizens with full acting capacity may be elected as lay assessors who have no criminal record, have completed the age of 30 years and are not under the effect of prohibition from engagement in public affairs.

(2) In addition to the conditions determined in Paragraph (1), a further condition of the election of the lay assessors of military chambers proceeding in military criminal proceedings (hereinafter referred to as „military lay assessor”) is that the candidate shall be engaged in a professional service relationship with the Hungarian Defence Forces or a law enforcement agency.

(3) Lay assessors may not be the members of political parties and may not engage in political activities.

Section 213

(1) Lay assessors shall be nominated by Hungarian citizens of age residing in the territory of jurisdiction of the court and local municipalities and social organisations, not including political parties, operating in the territory of jurisdiction of the court.

(2) The teacher lay assessors of courts proceeding in the criminal cases of minors shall be nominated by the teaching staff of the institutions of elementary and secondary education operating in the territory of jurisdiction of the court.

(3) Military lay assessors shall be nominated by the competent commanders of the Hungarian Defence Forces and law enforcement agencies, also with regard to the recommendations of their representative organisations.

(4) The lay assessors of administrative and labour courts shall be nominated primarily by the representative organisations of employees and employers.

Section 214

(1) Candidates shall issue a written declaration regarding the acceptance of their nomination. The declaration shall contain the candidate's name, place and date of birth, mother's name, address, educational and vocational qualifications, occupation, name and address of employer, monthly average earnings and signature.

(2) Candidates shall, without delay after the acceptance of their nomination, verify on the basis of an official certificate that they have no criminal record towards the board of representatives authorised to elect them as lay assessors.

(3) If a candidate fails to meet the obligation of verification referred to in Paragraph (2), he may not be elected as a lay assessor.

(4) The board of representatives authorised to elect lay assessors shall manage the personal data determined in Paragraph (2) until the adoption of its decision regarding the election of the candidate as a lay assessor.

(5) One candidate may only be elected as the lay assessor of a single court.

Section 215

(1) The lay assessors of district courts shall be elected by the boards of representatives of the local municipality and local national minority government with competence at the court's head office; the lay assessors of tribunals and administrative and labour courts shall be elected by the county or city board of representatives and the boards of representatives of regional national minority governments. The lay assessors of district courts operating in the territory of Budapest shall be elected by the boards of representatives of the local municipalities and locality national minority governments in the court's territory of jurisdiction. In the case of a district court whose seat is not located in its territory of jurisdiction, lay assessors shall be elected by the county board of representatives and the boards of representatives of regional national minority governments in its territory of jurisdiction.

(2) Military lay assessors shall be elected at the staff meeting corresponding to their ranks.

Section 216

(1) The mandate of lay assessors shall be valid for 4 years, except as set forth in Section 217 (2).

(2) The election of lay assessors shall be called by the President of the Republic.

(3) The President of the NJO shall establish the number of lay assessors to be elected for each court.

Section 217

(1) The mandate of previously elected lay assessors shall cease upon the expiry of 30 days reckoned from the new election of lay assessors.

(2) If lay assessors are not elected at the date scheduled by the President of the Republic for the election of lay assessors, the mandate of the previously elected lay assessors shall expire upon the expiry of 30 days reckoned from the election of new lay assessors.

(3) If, as a result of the election of district court lay assessors, a low number of lay assessors are elected that may jeopardise the operation of the court, the responsibilities of lay assessors may also be fulfilled by the lay assessors elected for the tribunal, in the order determined by the chair of the tribunal, whose territory of jurisdiction covers the district court concerned.

(4) If the number of elected lay assessors does not reach the number established by the President of the NJO, the President of the NJO may initiate the calling of an extraordinary election of lay assessors before the President of the Republic.

Section 218

(1) Elected lay assessors shall take a judicial oath prior to the commencement of their office.

(2) Lay assessors shall be invited and assigned to court chambers by the chair of the court in a pre-determined order.

(3) The chair of the court shall hold a meeting for all lay assessors elected for the court at least once annually, while otherwise whenever necessitated by topical tasks (lay assessor meeting).

Section 219

(1) The chair of the court may, at any time during the term of his mandate, request a lay assessor in writing to verify, within 15 working days of the request, that he has no criminal record, subject to a warning of the legal consequences of failure on his part to do so.

(2) If, in response to the request set forth in Paragraph (1), the lay assessor verifies that he has no criminal record, the court shall reimburse the lay assessor for the administrative service fee paid for the issuance of the official certificate of the criminal records agency.

(3) If the lay assessor fails to meet the request set forth in Paragraph (1), the chair of the court shall repeatedly call upon the lay assessor to verify that he has no criminal record and shall simultaneously inform him of the legal consequences of failure of verification.

(4) If

a) the lay assessor fails to meet the obligation of verification within 15 working days of the receipt of the repeated request referred to in Paragraph (3) and fails to verify that failure to meet this obligation is the consequence of circumstances falling beyond his control,

b) the chair of the court establishes that the lay assessor has a criminal record on the basis of the official certificate issued by the criminal records agency for the purpose of verification,

the chair of the court shall initiate the termination of the lay assessor's mandate with the board of representatives electing the lay assessor and shall simultaneously inform the lay assessor of the initiation of the termination of his mandate.

(5) As of the date of the communication mentioned in Paragraph (4), the lay assessor may not engage in activities related to the administration of justice.

(6) The chair of the court and the board of representatives electing the lay assessor shall manage the personal data disclosed on the basis of Paragraphs (1) to (3) until the cessation of the lay assessor's mandate.

78. Cessation of Mandate of Lay assessors

Section 220

(1) The mandate of a lay assessor shall cease

a) upon the lay assessor's death,
b) upon the expiry of his mandate,
c) if any of the conditions set forth in Section 212 (1) no longer exists,
d) upon the completion of the age of 70 years,
e) through resignation,
f) if, in the case determined in Section 219 (4), the board of representatives electing the lay assessor recalls the lay assessor.

(2) The mandate of military lay assessors shall also cease, not including the case of retirement, if their service relationship is terminated.

(3) Lay assessors may resign their mandate by virtue of a written declaration served upon the board of representatives.

(4) The validity of the declaration of resignation shall not be subject to a declaration of acceptance on the part of the board of representatives.

(5) The board of representatives shall without delay notify the chair of the competent court of the lay assessor's resignation and the lay assessor may not engage in activities related to the administration of justice as of the announcement of his resignation.

(6) In the cases described in Paragraph (1), Points c), d) and f), the board of representatives shall establish the cessation of the lay assessor's mandate in a decision and shall without delay notify the chair of the competent court thereof.

79. Remuneration of Lay assessors

Section 221

(1) Lay assessors engaged in employment, in a legal relationship as government servant, in public service or in a legal relationship as public sector employee, in a service relationship with the armed forces or the Hungarian Defence Forces or in any other employment-related legal relationship [Section 56 (2) of Act X of 2006] shall be entitled to absence pay for the duration of their operation as lay assessors.

(2) If eligibility for a benefit provided under a rule of law or the rate thereof depends on a fixed rate of performance or the number of days completed in work, the term of operation as a lay assessor shall be taken into consideration as time completed in work.

(3) Lay assessors not engaged in the legal relationships referred to in Paragraph (1) or not receiving a salary (remuneration) for the duration of their operation as a lay assessor shall be entitled to a fee. The rate of the fee is 25 per cent of the judicial pay base falling on one working day for every day of their operation as lay assessors.

(4) If the absence pay in the case referred to in Paragraph (1) does not reach the pro rata part of the fee determined in Paragraph (3), the absence pay shall be supplemented to the rate of the fee.

(5) Lay assessors may account for costs related to official assignments with the due application of the provisions governing judges.

Chapter XV Closing Provisions

Section 222

In matters not regulated in the present Act, the service relationship of judges shall be duly governed by Section 3 (1)–(4), Section 4, Section 5, Sections 6–12, Section 15, Sections 18–19/A, Sections 21–28, Section 74, Section 76 (6)–(8), Section 76/B (1)–(2), Section 78/A, Section 79 (2), Section 84/A (1), Point a) and Paragraph (2), Section 85, Section 90 (1)–(4), Section 93 (3), Sections 97–98, Section 107, Section 122, Section 123 (1), Section 125, Section 130 (2), Section 132 (2), Section 133, Section 134 (1)–(3), the first sentence of Paragraph (4) and Paragraphs (5)–(11), Sections 135–140/A, Section 142/A, Section 151 (2) and (4), Section 151/A (1)–(2) and (5)–(6), Section 152, Section 153 (1), the first and third sentences of Section 154 (1), Sections 155–157, the first sentence of Section 158 (1) and Paragraphs (2)–(3), Sections 159–164 and Section 202 (2) of Act XXII of 1992 on the Labour Code.

Section 223

In matters not regulated in the present Act, the service relationships of military judges shall be also duly governed by the provisions of Act CXIII of 2011 on defence and the Hungarian Defence Forces and the measures that may be implemented in a state of emergency, subject to the difference that military judges shall be entitled to any pay and jubilee bonus on the basis of the present Act and may only be held accountable on disciplinary grounds on the basis of the present Act.

Section 224

No countersigning shall be required for any decision delegated by virtue of the present Act to the competence of the President of the Republic.

Section 225

(1) The Government is hereby authorised to establish any other benefits beyond the remuneration determined in the present Act for judges on long-term secondment abroad in a regulation in consultation with the President of the NJO.

(2) The minister responsible for justice is hereby authorised to establish in a regulation

a) the criteria, method and procedure of professional aptitude tests in agreement with the minister responsible for health care and in consultation with the President of the NJO,

b) the rules relating to the identification cards of judges,

c) the detailed rules of judicial candidacy procedures, the assessment of applications for judicial positions and the scores that may be assigned to the criteria that may be taken into consideration for the ranking of applications in consultation with the President of the NJO.

Section 226

(1) The present Act shall enter into force on 1 January 2012, except as set forth in Paragraphs (2) and (3).

(2) Section 173 (2), Point b) and Section 178 of the present Act shall enter into force on 1 January 2013.

(3) Section 233, Point e) of the present Act shall enter into force on 8 March 2012.

Section 227

(1) The person who occupied the office of President of the Supreme Court prior to the entry into force of the present Act shall be governed by the provisions of Act XXXIX of 2000 on the remuneration and benefits of the President of the Republic, the Prime Minister, the Speaker of the House, the President of the Constitutional Court and the President of the Supreme Court inasmuch as he shall be entitled to the benefits under Section 26 (1) and Section 22 (1) of Act XXXIX of 2000 on the remuneration and benefits of the President of the Republic, the Prime Minister, the Speaker of the House, the President of the Constitutional Court and the President of the Supreme Court if he completed the old-age pension age by the entry into force of the present Act and requested the benefits.

(2) Based on Act LXVII of 1997 on the status and remuneration of judges, any specific benefit due for the year 2011 shall be paid by 31 January 2012.

(3) Judges who will be eligible for a title supplement after 1 January 2012 on the basis of Section 174 (2) and (3) shall be paid the title supplement for the first time simultaneously with the payment of the salary due for April 2012. The title supplements due for January, February and March 2012 shall be paid simultaneously with the payment of the salary due for April 2012.

(4) The jubilee bonus determined with regard to Section 184 (3) to (5) of the present Act shall for the first time be paid by 31 January 2013.

Section 228

(1) Wherever the present Act provides for a district court, district court leader or district court judge, it shall be construed as town or district (collectively „local”) court, town or district

(collectively „local”) court leader and town or district (collectively „local”) court judge until 31 December 2012.

(2) Labour courts, labour court leaders and labour court judges shall be governed by the provisions of the present Act relating to district courts, district court leaders and district court judges until 31 December 2012.

(3) Wherever the present Act provides for deputy prosecutors, it shall be construed as the person engaged in a prosecution service relationship as a prosecution secretary prior to 1 January 2012.

Section 229

(1) As of 1 January 2012, the position of a judge posted at the Office of the National Justice Council shall be regarded as posting at the NJO in accordance with the decision on the posting of the judge.

(2) As of 1 January 2012, the position of a judge posted at the Supreme Court shall be regarded as posting at the Curia in accordance with the decision on the posting of the judge.

(3) As of 1 January 2012, the position of a judge posted at the Ministry shall be regarded as unchanged posting with the Ministry in accordance with the decision on the posting of the judge.

(4) Candidacy proceedings instituted on the basis of Act LXVII of 1997 on the status and remuneration of judges and not yet closed by 31 December 2011 shall be resumed after 1 January 2012 in such a way that any already completed procedural candidacy acts need not be repeated; however, any further measures to be taken as part of the proceedings shall be implemented on the basis of the present Act. Proceedings invited for positions at local courts shall be resumed as local court proceedings, proceedings invited for positions at labour courts shall be resumed as labour court proceedings, proceedings invited for positions at county courts shall be resumed as tribunal proceedings, proceedings invited for positions at courts of appeal shall be resumed as court of appeal proceedings, while proceedings invited for positions at the Supreme Court shall be resumed as proceedings invited for positions at the Curia.

(5) The mandate of the members of the service court elected prior to 1 January 2012 shall be valid for the fixed term determined upon their election.

Section 230

(1) The provisions of the present Act shall govern judges completing the upper age limit before 1 January 2013 subject to the differences set forth in Paragraphs (2) and (3).

(2) If the judge completed the upper age limit before 1 January 2012, the initial day of the exemption period is 1 January 2012, while the closing day is 30 June 2012, and his judicial office shall cease effective as of 30 June 2012. The proposal concerning exemption shall be made at a time which permits the adoption of the decision on exemption on 30 June 2012, at the latest.

(3) If the judge completes the upper age limit between 1 January 2012 and 31 December 2012, the initial day of the exemption period is 1 July 2012, while the closing day is 31 December 2012, and his judicial office shall cease effective as of 31 December 2012. The proposal concerning exemption shall be made at a time which permits the adoption of the decision on exemption on 31 December 2012, at the latest.

(4) The rules on exemption from the performance of work shall be applied *mutatis mutandis* to judges exempted in accordance with paragraphs (2) and (3).

Section 231

Section 25 (3) shall apply to the term of part-time employment completed after the entry into force of Act CV of 2011 on the amendment of certain laws concerning employment and other related laws for the purpose of legal harmonisation.

Section 232

The President of the **NJC** shall, within 1 year of the entry into force of the present Act, review the exemptions granted by the National Justice Council from the prohibition of the co-employment of relatives on the basis of Section 24 (5) of Act LXVII of 1997 on the status and remuneration of judges.

Section 233

The present Act serves compliance with

- a) Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and ETUC,
- b) Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement of part-time work concluded by UNICE, CEEP and ETUC,
- c) Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP,
- d) Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time,
- e) Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSSEUROPE, UEAPME, CEEP and ETUC and repealing Council Directive 96/34/EC.

Section 234

Act LXVIII of 1997 on the service relationship of judicial employees shall be supplemented with the following Section 120:

„Section 120 (1) The person exercising the employer’s rights may award a qualification supplement to a judicial employee to the debit of the budget of payments to personnel allocated for priority purposes as determined in the relevant budget chapter of the Act on the Central Budget upon the acquisition of specialised qualifications in higher education in the school system or in further training and the acquisition of doctoral (PhD) or higher academic degrees if the skills and qualifications so acquired may be directly used for the fulfilment of his job responsibilities or in the course of the fulfilment of his duties.

(2) The amount of the qualification supplement may extend from ten per cent to thirty per cent of the pay base.

(3) If the judicial employee receives financial support for the acquisition of qualifications on the basis of a study contract entered into with the employer, he shall not be entitled to a

qualification supplement until the amount of the supplement payable monthly reaches the amount of the financial support provided on the basis of the study contract.”

Section 235

(1) Section 122 of Act LXVIII of 1997 on the service relationship of judicial employees shall be supplemented with the following Paragraphs (3) and (4):

„(3) In the event of outstanding performance and minimum ten years completed in a judicial service relationship, a judicial employee falling into pay grade I may be awarded the title „chief counsellor”.

(4) The title shall involve the payment of a monthly title supplement of an amount that is equal to fifteen per cent of the pay base. The title supplement forms part of the basic salary in its nature.”

(2) Annex No. 3 to Act LXVIII of 1997 on the service relationship of judicial employees shall be replaced with Annex No. 6.

Section 236

(1) Act LXVII of 1997 on the status and remuneration of judges shall cease to have effect.

(2) Section 2 (5) of Act LV of 1990 on the status of Members of Parliament shall cease to have effect.

(3) Section 6 (5) of Act LVII of 2004 on the status of the Hungarian Members of the European Parliament shall cease to have effect.

(4) Sections 234 and 235 of and Annex No. 6 to the present Act shall cease to have effect on 2 January 2012.

Section 237

(1) Sub-titles 1 to 4, Chapter III, sub-titles 19–22, sub-titles 25–30, Chapters V–X, Chapter XII, Chapter XIII, Sections 223 and 224, Sections 226–233 and Section 236 shall qualify as cardinal on the basis of Article 25 (7) and Article 26 (1) and (2) of the Fundamental Law.

(2) Abbreviation of the present Act applicable in other legal rules: JA.

Dr Pál Schmitt
President of the Republic

László Kövér
Speaker of the House

Annex No. 1 to Act of 2011

Data of Personal Files of Judges

1. Personal data:

- a) registration number
- b) name (also maiden name in case of women),
- c) place and date of birth,
- d) mother's name,
- e) address,
- f) marital status,
- g) spouse's name,
- h) names and dates of birth of children.

2. Education, qualifications:

- a) highest educational qualification (in case of multiple qualifications, all of them),
- b) description and date of completion of bar examination and course,
- c) qualification,
- d) description of studies currently engaged in,
- e) academic degree,
- f) command of foreign languages,
- g) results achieved at organised mandatory training courses and participation in optional training courses.

3. Number of military qualification, military rank.

4. Data related to judicial service relationship:

- a) date of judicial appointment,
- b) beginning of eligible service term,
- c) description of previous activities eligible as service term and names of previous employers, dates of entry and exit, positions (jobs) occupied and grounds for cessation of legal relationships eligible as service term,
- d) number and date of certificate of good conduct,
- e) service posts (beginning and end of term),
- f) positions (beginning and end of term),
- g) electronic signature authorisation (beginning and end of term),
- h) managerial positions (beginning and end of term),
- i) areas of specialisation (beginning and end of term),
- j) Standard Classification System of Occupations number.

5. Salary:

- a) pay grade, amount of pay and date of classification into pay grade, date of next mandatory pay promotion,
- b) description and amount of position supplement,
- c) description and amount of managerial supplement,
- d) description and amounts of other supplements paid,
- e) total amount of salary.

6. Description, amounts and other data of jubilee bonus, other remuneration, benefits and cost allowances received in the subject year.

7. Description of other gainful activities.

8. Dates of previous evaluations and evaluation grades based on summary opinions.

9. Description of decorations and other awards and date of granting.

10. Data relating to disciplinary sanctions in force.

11. Grounds for and duration of absence from work.

12. Grounds for and date of cessation of judicial service relationship, data relating to severance pay.

Note: The judge's registration number indicates the judge's service post and position and serves to identify him at his service post.

Basic Salaries of Judges in the Various Pay Grades

	A	B
1.	Pay grades	Multipliers
2.	1.	1.00
3.	2.	1.10
4.	3.	1.20
5.	4.	1.25
6.	5.	1.30
7.	6.	1.35
8.	7.	1.40
9.	8.	1.45
10.	9.	1.50
11.	10.	1.55
12.	11.	1.60
13.	12.	1.65
14.	13.	1.70
15.	14.	1.75

Managerial Supplement in Percentage of Judicial Pay Base

	A	B
1.	Managerial positions	Percentage
2.	Vice-President of the Curia	80
3.	Chair of court of appeal Head of Division of the Curia Chair of the Metropolitan Tribunal	60
4.	Vice-chair of court of appeal Deputy Head of Division of the Curia Chair of tribunal	50
5.	Chamber Chair of the Curia Division head of court of appeal Vice-Chair of the Metropolitan Tribunal	45
6.	Deputy division head of court of appeal	40
7.	Chamber chair of court of appeal Head of Division of the Metropolitan Tribunal Vice-chair of tribunal	35
8.	Deputy division head of the Metropolitan Tribunal Division head of tribunal Chair of larger district court	30
9.	Deputy division head of tribunal Chamber chair of tribunal Head of task force of tribunal Vice-chair of larger district court Chair of smaller district court	25
10.	Deputy head of task force of tribunal Head of task force of larger district court	20
11.	Deputy head of task force of larger district court Vice-chair of smaller district court	15

FINANCIAL DISCLOSURE STATEMENT

PERSONAL PART

Personal data of person issuing statement

Data of judge:

name:
date of birth: place of birth:
mother's name:
permanent address:
employer's name and address:
registration number: □□ □□□□

Spouse or common-law spouse sharing a household with judge:

name:
date of birth: place of birth:
mother's name:
permanent address:

Child sharing a household with judge:

name:
date of birth: place of birth:
mother's name:
permanent address:

□□ □□□□
(registration number)

a) description (orchard building structure in non-residential area, workshop, shop, studio, surgery, garage, etc.):

address: town/locality street/road No.

ground space: m², proprietary stake:

time of and grounds for acquisition:

.....

b) description:

address: town/locality street/road No.

ground space: m², proprietary stake:

time of and grounds for acquisition:

.....

c) description:

address: town/locality street/road No.

ground space: m², proprietary stake:

time of and grounds for acquisition:

.....

d) description:

address: town/locality street/road No.

ground space: m², proprietary stake:

time of and grounds for acquisition:

.....

4. Title to arable land (or permanent lease or usufruct):

a) description:

address: town/locality top. lot No. ground space: m²,

cultivation: proprietary stake:

time of and grounds for acquisition:

.....

b) description:

address: town/locality top. lot No. ground space: m²,

cultivation: proprietary stake:

time of and grounds for acquisition:

.....

c) description:

address: town/locality top. lot No. ground space: m²,

cultivation: proprietary stake:

time of and grounds for acquisition:

.....

d) description:

address: town/locality top. lot No. ground space: m²,

cultivation: proprietary stake:

time of and grounds for acquisition:
.....

B) Valuable Movable Property

1. Automobiles:

a) passenger car: model registration
time of and grounds for acquisition:
..... model registration
time of and grounds for acquisition:
..... model registration
time of and grounds for acquisition:

b) van, truck, coach: model registration
time of and grounds for acquisition:
..... model registration
time of and grounds for acquisition:
..... model registration
time of and grounds for acquisition:

2. Listed works of art, listed collections:

a) individual works of art:

By title registration number
time of and grounds for acquisition:
By title registration number
time of and grounds for acquisition:
By title registration number
time of and grounds for acquisition:

b) collection:

..... description No. of items registration number
time of and grounds for acquisition:
..... description No. of items registration number
time of and grounds for acquisition:
..... description No. of items registration number
time of and grounds for acquisition:

3. Other items of movable property exceeding in value ten times the civil servant pay base as at any time individually or per set (collection):

a) description identification data
time of and grounds for acquisition:

b) description identification data
time of and grounds for acquisition:

c) description identification data
time of and grounds for acquisition:

d) description identification data
time of and grounds for acquisition:

e) description identification data
time of and grounds for acquisition:

4. Savings invested in securities (shares, stocks, bonds, treasury bills, warrants, etc.):

..... description No. value
..... description No. value

5. Savings placed in savings deposits:

..... financial institution deposit pass No. amount
..... financial institution deposit pass No. amount
..... financial institution deposit pass No. amount
..... financial institution deposit pass No. amount
..... financial institution deposit pass No. amount

6. Cash in excess of ten times the civil servant pay base as at any time:

HUF

7. Financial institution account claims or other monetary claims existing on the basis of contracts in excess in total of ten times the civil servant pay base as at any time:

..... financial institution account No. amount
..... financial institution account No. amount

Grounds for monetary claim	Name and address of obligor	Amount of claim	Contract (claim)	
			date	maturity

8. Other valuable items of property intended to be disclosed if the combined value thereof exceeds ten times the civil servant pay base as at any time:

..... description identification data
..... description identification data
..... description identification data

..... description identification data
 description identification data

Part III

Please state any debts towards financial institutions and private individuals in this column.

1. Towards financial institutions:

Description of loan	Amount of debt	Debt	
		date	maturity

2. Towards private individuals (provided that the lender private individual consented to the disclosure of his data in this section):

Lender's name and address	Amount of debt	Debt	
		date	maturity

**Part IV
Other information**

Statement regarding stakes in businesses

1. Office or stake in business association (limited partnership, unlimited partnership, joint venture, limited liability company, share company), cooperation company or cooperative (senior officer of company, member of supervisory board, auditor):

I.

- 1. company register number:
- 2. name and form of operation of business:
- 3. head office:
- 4. proprietary status (owner, shareholder, general/silent partner in case of unlimited partnership, etc.):
- 5. initial ratio of proprietary stake:%
- 6. current ratio of proprietary stake:%
- 7. share in profits:%
- 8. office held in business association:

II.

- 1. company register number:
- 2. name and form of operation of business:

3. head office:
4. proprietary status (owner, shareholder, general/silent partner in case of unlimited partnership, etc.):
5. initial ratio of proprietary stake:%
6. current ratio of proprietary stake:%
7. share in profits:%
8. office held in business association:

III.

1. company register number:
2. name and form of operation of business:
3. head office:
4. proprietary status (owner, shareholder, general/silent partner in case of unlimited partnership, etc.):
5. initial ratio of proprietary stake:%
6. current ratio of proprietary stake:%
7. share in profits:%
8. office held in business association:

IV.

1. company register number:
2. name and form of operation of business:
3. head office:
4. proprietary status (owner, shareholder, general/silent partner in case of unlimited partnership, etc.):
5. initial ratio of proprietary stake:%
6. current ratio of proprietary stake:%
7. share in profits:%
8. office held in business association:

V.

1. company register number:
2. name and form of operation of business:
3. head office:
4. proprietary status (owner, shareholder, general/silent partner in case of unlimited partnership, etc.):
5. initial ratio of proprietary stake:%
6. current ratio of proprietary stake:%
7. share in profits:%
8. office held in business association:

Dated in, day month year

.....
signature

(only in copy handed over to employer)

Skills and competencies to be assessed in candidacy proceedings and judicial evaluations

Skills and competencies to be assessed in candidacy proceedings and judicial evaluations:

1. decision-making skills,
2. cooperation skills,
3. analytic mind,
4. foresight,
5. discipline,
6. responsibility,
7. firmness of mind and determination,
8. aiming high,
9. integrity,
10. communication,
11. conflict management,
12. creativity,
13. self-confidence, firmness,
14. independence,
15. problem and situation assessment,
16. troubleshooting skills,
17. application of professional knowledge,
18. organisational and planning skills,
19. verbal and written communication skills,
20. objectivity.

„Annex No. 3 to Act LXVIII of 1997

Basic Salaries of Lay Judges and Legal Officials

Pay category	Pay grades and multipliers (pay base = 1)			
	1.	2.	3.	4.
Category I: lay judge	0.7 (0–2 years)	0.8 (3–4 years)	0.9 (5–6 years)	1 (from 7 years)
Category II: legal official	0.38	0.41	0.44	0.47

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