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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ACT CLXII OF 2011
ON THE LEGAL STATUS AND REMUNERATION OF JUDGES*
OF HUNGARY

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

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.

(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 at the top of the ranking, the panel of judges shall select the candidate they recommend for the position on the basis of a written, justified decision adopted on the basis of a 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 decide to deviate from the shortlist and propose the second or third candidate on the list to fill the post.

(4) If the proposed candidate is not a judge, the President of the NJO shall forward the application to the President of the Republic for appointment within 8 working days. The National Judicial Council (hereafter: NJC) shall be informed of the reasons for the deviation in writing when the application is forwarded to President of the Republic, and shall disclose its reasons at the following NJC session. The written information provided by the President of NJO to the NJC and the verbal information given at the following NJC session shall not affect the proposal to the President of the Republic and the appointment.

(5) If the proposed candidate is a judge, the President of the NJO shall rule on the call for the submission of applications by transferring the judge within 8 working days. The NJC shall be informed of the reasons for the deviation in writing when the transfer is made, and shall disclose its reasons at the following NJC session. The written information provided by the President of NJO to the NJC and the verbal information given at the following NJC session shall not affect the transfer of the judge.

Section 19

In the case of applications invited for a position at the Curia, the provisions set forth in Section 18 shall govern, subject to the following differences:

- a) the powers of the President of the NJO shall be exercised by the President of the Curia,
- b) the President of the Curia shall assess applications by contacting the President of the NJO within 8 working days in the interest of the appointment and transfer,
- c) the President of the NJO shall grant the contact 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

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.

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 operation as a judge did not reach 18 months, based on the recommendation of the President of the NJO, the next appointment shall be made repeatedly for a fixed term of three years, unless the judge declines the maintenance of his service relationship. The appointment recommendation shall be duly governed by the provisions set forth in Section 24 (3).

(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 cases 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 re-assigned to another service post out of service interests or for the promotion of his professional development.

(3) A judge may be re-assigned without his consent to a judicial position at another service post on a temporary basis every three years, for maximum one year, out of service interests.

(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 is terminated or its competence or territory of jurisdiction is reduced to an extent that it no longer permits the employment of a judge, the President of the NJO shall transfer the judge, with a view to his fair interests, to another, if possible equivalent but maximum one level inferior, court.

(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.

Chapter IV Rights and Responsibilities of Judges

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 NJO 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.

(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, he may hear the judge subjected to the proceedings, the chair of the evaluating court and witnesses and may view the judge's evaluation documents. Judges and judicial 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 duties on a long-term basis for health reasons, the chair of the court shall call upon him in writing to resign his office within 30 days. The notice shall briefly state the circumstances which indicate the judge's ineligibility on health grounds.

(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.

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 the judge does not consent to the transfer referred to in Section 34 (2),
- 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 NJO 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 and if the judge's service relationship is terminated as set forth in Section 90, Point j), the judge's exemption period is 6 months. The judge shall be exempted from the performance of work for 3 months. At the judge's request, the President of the NJO may also reduce the term of the exemption from the performance of work.

(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.

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) 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.

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 NJO 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 BUSINESSEUROPE, 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.

*Annex No. 2 to Act.... of 2011***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

Annex No. 3 to Act of 2011

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

Annex No. 4 to Act of 2011

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)

FINANCIAL DISCLOSURE PART

Part I

Annual income of issuer of statement: year HUF
year HUF
year HUF

Part II

Financial Disclosure Statement

A) Real Properties

1. Title to housing property and housing plot (or permanent or long-term lease, usufruct):

a) address: town/locality street/road No.
ground space: m2, proprietary stake:
time of and grounds for acquisition:
.....
.....

b) address: town/locality street/road No.
ground space: m2, proprietary stake:
time of and grounds for acquisition:
.....
.....

c) address: town/locality street/road No.
ground space: m2, proprietary stake:
time of and grounds for acquisition:
.....
.....

2. Title to holiday home and holiday plot (or permanent or long-term lease, usufruct):

a) address: town/locality street/road No.
ground space: m2, proprietary stake:
time of and grounds for acquisition:
.....
.....

b) address: town/locality street/road No.
ground space: m2, proprietary stake:
time of and grounds for acquisition:
.....
.....

c) address: town/locality street/road No.
ground space: m2, proprietary stake:

time of and grounds for acquisition:
.....
.....

3. Title to other non-housing building (building part) (or permanent lease, usufruct):

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
 description No. value
 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
 financial institution account No. amount
 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)

*Annex No. 5 to Act of 2011***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. 6 to Act of 2011

„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

”