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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ACT CLXIV OF 2011
ON THE STATUS OF THE PROSECUTOR GENERAL,
PROSECUTORS AND OTHER PROSECUTION EMPLOYEES
AND THE PROSECUTION CAREER*
OF HUNGARY

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

Chapter I Introductory Provisions

1. Scope of Act

Section 1

(1) The scope of the present Act shall extend to the service relationships of all prosecution employees employed in prosecution.

(2) Prosecution employees:

- a) prosecutor;
- b) deputy prosecutor;
- c) prosecution draftsman;
- d) administrator performing duties relevant to prosecution (hereinafter referred to as "official");
- e) employee performing administrative duties (hereinafter referred to as "clerk");
- f) other prosecution employee not mentioned in Points a)–e) (hereinafter referred to as "blue-collar employee").

(3) The provisions of the present Act relating to the service relationships of prosecutors shall apply to deputy prosecutors and prosecution draftsmen with regard to the differences set forth in Chapter XIV, while to officials, clerks and blue-collar employees if the present Act expressly so provides.

(4) The members of the Hungarian Defence Force engaged in a professional service relationship may serve as prosecution employees in the service of military prosecutors on the basis of an appointment.

2. Person Exercising the Employer's Rights

Section 2

(1) Unless the present Act provides otherwise, the employer's rights shall be exercised by the Prosecutor General. Except as set forth in Paragraph (2), the Prosecutor General may delegate these rights, partially or in their entirety, to a senior prosecution employee.

(2) In the case of the prosecutor, deputy prosecutor and prosecution draftsman, no delegation of the employer's rights is permitted in respect of powers where a rule of law specifically mentions the Prosecutor General as the person exercising these rights.

Chapter II Prosecution Bodies

3. Council of Prosecution Employees and National Council of Prosecution Employees

Section 3

(1) A council of prosecution employees (hereinafter referred to as "employee council") shall operate:

- a) at the Office of the Prosecutor General;
- b) at the appeals prosecution office;
- c) at the public prosecution office, with its competence also extending to any subordinated district prosecution office;
- d) at the National Institute of Criminology (hereinafter referred to as "NIC").

(2) Employee councils shall be elected for each of the organisations listed in Paragraph (1) by the prosecution employees serving at the respective organisations for a period of five years. Prosecution employees serving at the district prosecution offices subordinated to a public prosecution office, too, shall take part in the election of the employee council operating at the public prosecution office.

(3) Number of members of employee council if the number of prosecution employees at the time of the elections

- a) does not exceed twenty: three,
- b) does not exceed one hundred: four,
- c) exceeds one hundred: five.

(4) If the number of the members of an employee council is three, at least one of them, while if the number of the members of an employee council is four or five, at least two of them, shall be elected from among non-prosecutors.

(5) Employee councils shall delegate one person from among their members to the National Council of Prosecution Employees (hereinafter referred to as the „National Council“) for a period of five years.

(6) In matters not otherwise regulated in the present Act, the National Council and its members shall be duly governed by the provisions relating to employee councils and their members.

(7) The members (officials) of employee councils shall be entitled to a maximum eight-hour reduction in their working hours, while the members (officials) of the National Council shall be entitled to a further maximum eight-hour reduction in their working hours with regard to their activities in that capacity. They shall be entitled to absence pay for these hours.

Section 4

(1) Employee councils shall have the right to agree to plans related to the utilisation of welfare funds and the utilisation of institutions and properties of that nature.

(2) If a dispute arises between the parties due to a lack of agreement, the rules of the Labour Code relating to consultations, mediation and mandatory arbitration proceedings shall duly govern.

(3) Employee councils shall have reviewing powers in respect of

- a) drafts concerning employer measures with an impact on the material interests or larger groups of prosecution employees, in particular, concepts relating to organisational changes falling within the competence of prosecution bodies,
- b) the introduction of new work organisation methods,

- c) applications invited by prosecution organisations involving financial or moral rewards,
- d) the schedule of work;
- e) other issues defined in the present Act.

(4) If a decision (measure) with respect to any of the subject-matters listed in Paragraphs (1) and (3) affects or concerns at least two thirds of the employee councils, the National Council shall proceed on behalf of the employee councils. The National Council shall also be consulted in cases where the employee councils did not issue a concordant declaration with respect to the contemplated decision (measure).

(5) The employee council (National Council) shall notify the employer of its position concerning the contemplated measure of the prosecution office [Paragraphs (1) and (3)] within fifteen days. Failure to serve notification shall be construed as agreement with the contemplated measure. The time limit of fifteen days shall be reckoned from the receipt of the draft by the chair.

(6) The employee council (National Council) may initiate a legal dispute for the establishment of the invalidity of a measure contrary to Paragraphs (1) to (4) under the rules of the Labour Code relating to labour disputes within fifteen days of the measure being brought to its attention but within sixty days of the implementation of the measure, at the latest. The statement of claim shall have a delaying effect on the implementation of the measure.

Section 5

(1) Unless a rule of law provides otherwise, the members (officials) of employee councils (National Council) may, in connection with the exercise of the rights defined in Section 4 (1) and (3), view the employer's records and may seek information on all issues which may concern the social interests of prosecution employees related to their service relationships or which are related to the requirement of equal opportunities. The employer may not refuse to provide access to its records and information.

(2) Employee councils and the National Council as well as their members (officials) may not disclose to the public any personal data that may come to their attention as part of the exercise of their competence, not including names, service posts and titles. They may only disclose to the public any other data and facts without curtailment of the employer's legitimate interests and the violation of the personality rights of prosecution employees.

(3) The obligation set forth in Paragraph (2) shall continue to lie with employee councils and the National Council as well as their members (officials) also beyond the cessation of their mandate or prosecution service relationship.

(4) In matters not regulated in the present Act, the provisions of the Labour Code relating to works councils (central works councils) shall duly govern employee councils (National Council), not including the rules relating to works representatives and the remuneration of the chair.

4. Pan-Prosecution Meeting

Section 6

(1) Pan-prosecution meetings shall be held by prosecutors serving at the

- a) Office of the Prosecutor General,

- b) appeals prosecution office,
- c) public prosecution office.

The public prosecution office and the subordinated district prosecution offices shall conduct joint pan-prosecution meetings.

(2) Unless the present Act provides otherwise, the pan-prosecution meeting shall have advisory, reviewing and recommendation powers.

(3) Pan-prosecution meetings shall be convened by the

- a) Prosecutor General,
- b) appeals public prosecutor,
- c) public prosecutor

in respect of the prosecution organisation under their supervision.

(4) It is mandatory to convene a pan-prosecution meeting:

- a) in the cases determined in the present Act and by the Prosecutor General;
- b) if requested by one third of the prosecutors entitled to attend or the employee representative organisation concerned, with the proviso that they shall state the items on the agenda.

(5) In the case referred to in Paragraph (4), Point *b*), the pan-prosecution meeting shall be convened for a date falling within fifteen days of the receipt of the relevant motion.

(6) The pan-prosecution meeting has a quorum if more than two thirds of the prosecutors entitled to attend are present. For the purpose of determining whether the meeting is quorate, prosecutors who are

- a) unable to earn a living;
- b) on ordinary, maternity or unpaid leave, shall be disregarded.

(7) Unless the present Act provides otherwise, the pan-prosecution meeting shall adopt its decisions by a simple majority.

5. Prosecutors' Council

Section 7

(1) A prosecutors' council shall operate at the

- a) Office of the Prosecutor General;
- b) appeals prosecution office;
- c) public prosecution office, with its competence also extending to any subordinated district prosecution offices.

(2) The prosecutors' council shall state its opinion with respect to the appointment (promotion) and exemption of prosecutors, not including the Prosecutor General and the Deputy Prosecutor General, as well as with respect to any further issues on which the person exercising the employer's rights seeks its opinion or where consultation with the prosecutors' council is ordered under the present Act or by the Prosecutor General.

(3) That prosecutors' council shall be competent to state its opinion to which the prosecutor is appointed or where the prosecutor proposed to be exempted serves.

(4) The members of the prosecutors' council shall be entitled to state their opinions collectively. The prosecutors' council has a quorum if more than one half of the members are present at the meeting.

(5) The prosecutors' council shall adopt its decisions by a simple majority. The chair (vice-chair) of the meeting shall only cast a vote if there is a tie in the votes of the rest of the members of the prosecutors' council.

(6) An opinion shall be issued within eight days of the receipt of the request by the chair (vice-chair) of the prosecutors' council. In the event of failure to observe this time limit, a decision may also be adopted in the absence of the opinion of the prosecutors' council.

Section 8

(1) Number of the members of the prosecutors' council if the number of prosecutors at the time of the election

- a) does not exceed seven: three,
- b) does not exceed sixty: four,
- c) exceeds sixty: five.

(2) The members of the prosecutors' council and the chair and vice-chair from among them shall be elected from among prosecutors by secret ballot by

- a) the pan-prosecution meeting of the Office of the Prosecutor General;
- b) the pan-prosecution meeting of the appeals prosecution office;
- c) the joint pan-prosecution meeting of the public prosecution office and the subordinated district prosecution offices, for a period of five years.

(3) Those may become the members of the prosecutors' council, in the order of the number of votes cast, who received the largest number of valid votes in excess of one quarter of the valid votes cast. If the election is not successful, the vote shall be repeated until the majority necessary for election is attained.

(4) Prosecutors under the effect of disciplinary sanctions may not be elected as members of the prosecutors' council.

(5) The Prosecutor General and prosecutors in senior positions may not be elected as members of the prosecutors' council.

(6) A prosecutor who obtained minimum twenty per cent of the votes validly cast shall be regarded as a deputy member of the prosecutors' council. If the mandate of a member of the prosecutors' council ceases, an appropriate number of elected deputy members shall be invited to the prosecutors' council, -in the order of the votes attained-, to replace the departing member or members.

Section 9

(1) Membership of the prosecutors' council shall cease

- a) upon the expiry of the mandate;

- b) upon the cessation of the prosecutor's service relationship or upon the prosecutor being definitively exempted from his work-related duties;
- c) upon the transfer of the prosecutor to the Ministry headed by the Minister responsible for justice for a period of more than six months;
- d) upon an appointment for long-term service abroad for a period of more than six months,
- e) upon the election of the prosecutor as Prosecutor General or promotion to a senior position;
- f) upon the resignation of membership;
- g) upon exemption from membership;
- h) upon a decision establishing the prosecutor's penal or disciplinary liability becoming final and absolute.

(2) The pan-prosecution meeting shall decide on exemption from membership by secret ballot. More than one half of the valid votes cast shall be required for exemption from membership.

(3) Membership of the prosecutors' council shall be suspended as of the institution of disciplinary proceedings until the conclusion thereof and during the suspension of the prosecutor's service relationship.

(4) If the number of the members of the prosecutors' council falls below three or the membership of both the chair and the vice-chair ceases, new elections shall be held.

Section 10

(1) The prosecutors' council shall regulate its operations in procedural rules, within the boundaries of the present Act.

(2) In matters not regulated in the present Act, the prosecutors' council shall be duly governed by the provisions relating to employee councils, subject to the difference that the prosecutors' council has no right of agreement and may only seek information to the extent necessary for the exercise of its powers.

Chapter III

Establishment and Alteration of Prosecution Service Relationships, Mandate and Appointment of Senior Personnel, Cessation of Appointment and Mandate of Senior Personnel

6. Appointment

Section 11

(1) Enfranchised Hungarian citizens with full acting capacity holding a university degree in law who have passed the relevant legal examination as set forth in a separate legal rule may be appointed as prosecutors. A further condition of appointment as a military prosecutor is that the person to be appointed is an officer of the Hungarian Defence Force.

(2) In addition to the conditions of eligibility set forth in Paragraph (1), those persons may be appointed as prosecutors who, after having passed the relevant legal examination,

a) actually worked as deputy prosecutor, court secretary, notary public, defence attorney, legal counsel, researcher at NIC or investigator at the investigating authority for a minimum period of one year,

b) actually worked in a public administration position or a position tied to a legal examination at an agency coming under the effect of Section 1, Paragraph (2) of Act XXIII of 1992 on the Status of Public Officials (hereinafter referred to as "POA") or Act LVIII on the Status of Government Officials (hereinafter referred to as "GOA") for a minimum period of one year,

c) worked as a prosecutor, constitutional judge or judge,

d) passed judgments or actually engaged in activities related to the administration of justice at an international organisation or any of the agencies of the European Union for a minimum period of one year.

(3) For the purposes of Paragraph (2), the term of operation in the capacity of deputy prosecutor may be extended by maximum six months in the case of a person who, after having passed the relevant legal examination, worked in a position tied to a legal examination not mentioned in Paragraph (2) for a minimum period of three years.

(4) The following persons may not be elected as Prosecutor General and may not be appointed as prosecutor:

a) persons with a criminal record,

b) persons under the effect of prohibition from engagement in an occupation tied to a law degree,

c) persons who do not have a criminal record but whose liability under criminal law due to the commission of a crime has been established by a court in a final and absolute judgment, until erased from the criminal records,

ca) in the case of an actual prison sentence for or in excess of five years imposed due to a wilful crime, for a period of twelve years reckoned from the date of exemption,

cb) in the case of an actual prison sentence for less than five years imposed due to a wilful crime, for a period of ten years reckoned from the date of exemption,

cc) in the case of a suspended prison sentence imposed due to a wilful crime, for a period of eight years reckoned from the date of exemption,

cd) in the case of a sentence of public work or a monetary fine imposed due to a wilful crime, for a period of five years reckoned from the date of exemption,

ce) in the case of a suspended monetary fine imposed due to a wilful crime, for a period of three years reckoned from the date of exemption,

cf) in the case of an actual prison sentence imposed due to a negligent crime, for a period of eight years reckoned from the date of exemption,

cg) in the case of a suspended prison sentence imposed due to a negligent crime, for a period of five years reckoned from the date of exemption,

ch) in the case of a sentence of public work or a monetary fine imposed due to a negligent crime, for a period of three years reckoned from the date of exemption,

d) persons subjected by a court to forced medical treatment, for a period of three years reckoned from the date at which the order terminating the forced medical treatment becomes final and absolute,

e) persons on probation based on a court order for a period of three years reckoned from the expiry of the probation period or, in the event of the extension thereof, from the expiry of the extended probation period,

f) persons subjected to criminal proceedings, not including proceedings instituted on the basis of private prosecution or a charge laid on the basis of supplementary private prosecution, until the conclusion of the criminal proceedings on a final and absolute basis,

g) persons on whom the gravest disciplinary sanction has been imposed in the capacity of prosecutor, judge, government official, public official, bailiff, public employee,

professional member of the armed forces, judicial employee, deputy prosecutor, draftsman, defence attorney, attorney candidate, notary public or deputy notary public during the effect of such disciplinary sanction,

h) persons who have violated the obligation of making a financial disclosure statement as regulated in a separate rule of law.

(5) The appointment of a military prosecutor shall be subject to the agreement of the Minister responsible for national defence. A military prosecutor shall be appointed to this office. Simultaneously with the appointment, the Minister responsible for national defence shall transfer the status of the military prosecutor accordingly. The military prosecutor shall serve within the boundaries of the relevant prosecution agency until the cessation of his prosecution service relationship.

(6) A prosecution service relationship with respect to an important and confidential position may be entered into with a person who consents, in the manner prescribed in a separate rule of law, to his national security screening. The declarations of consent of the relatives identified in a separate rule of law shall also be attached to the above consent.

Section 12

(1) Prior to appointment to prosecution offices falling within the competence of the Prosecutor General, the candidate shall take part in a prosecution career eligibility screening test (hereinafter referred to as "career eligibility test").

(2) If the candidate previously already participated in a career eligibility test or in a judge career eligibility screening test as defined in a separate rule of law (hereinafter referred to as "judge career eligibility test") and a period of less than three years has elapsed between the passage thereof and the submission of his/her application, provided that other circumstances do not warrant the repeated taking of the test, the candidate shall not be required to repeatedly take the test prior to his appointment as prosecutor.

(3) The career eligibility test consists of health, physical and psychological examinations. The test shall be conducted in accordance with the provisions governing the career eligibility screening tests of judges as set forth in a separate rule of law, subject to the difference that the competences relating to judges need not be tested.

(4) The career eligibility test shall be initiated by the prosecution office.

(5) The opinion drafted on the basis of the career eligibility test shall be sent to the person initiating the test and the candidate.

(6) The costs of the career eligibility test shall be covered by the candidate. If the candidate has been awarded the prosecution office applied for, the employer shall reimburse the costs of the test.

Section 13

(1) The Prosecutor General shall, for the first time, appoint prosecutors to prosecution offices via vacant position advertisements.

(2) The invitation of vacant position advertisements, the assessment of applications and the disclosure of results shall be duly governed by the provisions of Section 19 (1)–(4) and Section 20 (1)–(3).

Section 14

(1) The Deputy Prosecutor General shall be appointed by the President of the Republic upon the recommendation of the Prosecutor General from among prosecutors appointed for an indefinite term.

(2) The Prosecutor General shall appoint prosecutors for three years for the first time (first prosecution appointment) and thereafter, except in the cases defined in Section 17 (4), for an indefinite term. A prosecutor's first appointment shall be for an indefinite term if

a) he/she worked as a prosecutor or military prosecutor for minimum three years prior to his appointment, or

b) worked as a constitutional judge, judge or military judge, passed judgments at an international organisation or at the Court of Justice of the European Union or worked as advocate general of the Court of Justice of the European Union directly before the appointment and has minimum three years' professional experience in total in the positions or in connection with the activities mentioned in the present Point and in Point a),

c) has acquired outstanding theoretical legal expertise in the area of academic studies or education, or

d) a former Member of Parliament declares upon the cessation of his mandate as Member of Parliament that he requests his repeated appointment as prosecutor and satisfies the conditions of appointment, not including participation in a career eligibility test, or

e) a former Member of the European Parliament declares upon the cessation of his mandate as Member of the European Parliament that he requests his repeated appointment as prosecutor and satisfies the conditions of appointment, not including participation in a career eligibility test.

Section 15

(1) The prosecution service relationship shall come into being by virtue of an appointment (election) and the acceptance thereof.

(2) The appointment deed shall contain the beginning of the prosecution service relationship, the personal details necessary for the identification of the prosecutor, his/her position, service post, the initial date of his/her service time taken into consideration for the purposes of classification, his pay grade and salary. The appointment deed may also provide for other issues concerning the prosecution service relationship.

Section 16

(1) After his/her election, the Prosecutor General shall take an oath before Parliament.

(2) Prosecutors shall take an oath within eight working days of their appointment. If a prosecutor is in any way prevented from taking an oath, the above time limit shall be reckoned from the removal of obstacles. Prosecutors shall commence their operation after taking an oath. If a prosecutor fails to take an oath upon the expiry of three months reckoned from his appointment, his/her prosecution service relationship shall cease.

(3) 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:

„In fulfilling my statutory obligations, I shall proceed impartially, without bias.”

(4) In taking the oath under Paragraph (3), the title of the office stated in the text of the oath set forth in Act XXVII of 2008 on the Oath and Pledge of Certain Public Law Officials is prosecutor.

(5) The Deputy Prosecutor General shall take an oath before the President of the Republic, while other prosecutors shall take an oath before the person exercising the employer's rights.

(6) The Prosecutor General and the Deputy Prosecutor General shall be required to issue financial disclosure statements in accordance with the rules applicable to Members of Parliament, for the first time, within thirty days of their election or appointment. The recording, verification and management of their financial disclosure statements shall be governed by the rules relating to the recording, verification and management of the financial disclosure statements of Members of Parliament.

Section 17

(1) The person exercising the employer's rights shall, ninety days prior to the expiry of the first prosecution appointment [Section 14 (2)], at the latest, obtain a declaration from a prosecutor appointed for a fixed term as to whether he/she requests his/her appointment for an indefinite term. If the prosecutor requests his/her appointment for an indefinite term and the duration of his/her actual operation in the capacity of prosecutor exceeded 18 months by the date mentioned above, the person exercising the employer's rights shall evaluate the prosecutor. As part of this, the person exercising the employer's rights shall evaluate the prosecutor's work extending to the entire term of his/her operation as prosecutor, with special regard to the observance of the rules under substantive and procedural law and the relevant administrative rules.

(2) The person exercising the employer's rights shall inform the prosecutor and the Prosecutor General of the result of the evaluation in writing by the sixtieth day preceding the expiry of the term of the first prosecution appointment, at the latest.

(3) Based on the result of the evaluation, the Prosecutor General shall appoint the prosecutor for an indefinite term effective as of the day following the expiry of the term of the first prosecution appointment, without a separate application, if he duly established the prosecutor's eligibility.

(4) If the evaluation mentioned in Paragraph (1) cannot be prepared because the prosecutor's actual operation in the capacity of prosecutor did not reach 18 months or, based on the result of the evaluation, the Prosecutor General rendered the prosecutor's eligibility conditional upon a subsequent test, the appointment shall be valid for another three years. In these cases, the provisions relating to the first prosecution appointment for a fixed term shall duly govern.

(5) If, based on the result of the evaluation, the Prosecutor General established that the prosecutor was not eligible or the prosecutor did not request his/her appointment for an indefinite term, the prosecutor's prosecution service relationship shall cease as of the day of the expiry of the fixed term.

7. Mandate and Appointment of Senior Personnel

Section 18

(1) Prosecutors, with the exception of the Deputy Prosecutor General, shall be appointed to senior and managerial prosecution positions by the Prosecutor General.

(2) Prosecutors in senior positions:

- a) Deputy Prosecutor General;
- b) Head of Division, prosecutor, of the Office of the Prosecutor General;
- c) Deputy Head of Division, prosecutor, of the Office of the Prosecutor General;
- d) Head of Department, prosecutor, of the Office of the Prosecutor General;
- e) appeals public prosecutor;
- f) appeals deputy public prosecutor;
- g) public prosecutor;
- h) deputy public prosecutor.

(3) Prosecutors in managerial positions:

- a) Deputy Head of Department, prosecutor, of the Office of the Prosecutor General;
- b) Deputy Head of Department, prosecutor, of appeals public prosecution office;
- c) Head of Department, prosecutor, of public prosecution office;
- d) head of task force, prosecutor, of the Office of the Prosecutor General;
- e) head of task force, prosecutor, of public prosecution office;
- f) prosecutor heading district prosecution office (hereinafter referred to as "district head prosecutor");
- g) deputy district head prosecutor;
- h) head of task force, prosecutor, of district prosecution office.

(4) The Prosecutor General shall fill the senior and managerial prosecution offices falling within his competence of appointment as well as the prosecutor positions at the Office of the Prosecutor General and the Appeals Public Prosecution Office by way of advertising. With the exception of the office of Deputy Prosecutor General, the Prosecutor General may also order the filling of other positions by way of advertising. In the cases determined in Section 14 (2), Points d)–e), Section 23 (1), (3) and (5), Section 24 (3) and (5), Section 25 (2) and (4) and Section 36 (4) and (8), the jobs offered may also be filled without advertising.

Section 19

(1) Job advertisements shall be invited by the Prosecutor General. The public job advertisement shall contain all conditions necessary for being awarded the position and the deadline for the assessment of applications. A condition not stated in the rules of law may be prescribed in the event of and in conjunction with special expertise required for the given position; applicants shall be specifically informed thereof in the job advertisement.

(2) Job advertisements shall be published in „*Ügyészégi Közlöny*” (Prosecution Gazette) and on the Internet website of the prosecution office. The time limit established for the submission of applications may not be shorter than ten days reckoned from publication on the Internet.

(3) Applicants shall state their direct contact details in their applications (e-mail address, telephone and fax numbers, etc.).

(4) Applications received belatedly may not be assessed. An applicant submitting an incomplete application shall be called upon to supply the missing details within a short deadline. If the relevant missing details are not supplied, the application may not be assessed on its merits.

(5) The Prosecutor General may engage a person to fill a vacant managerial position until the assessment of applications and, in the case of a successful application, until the subsequent appointment of a prosecutor.

Section 20

(1) Before the assessment of applications, the Prosecutor General shall acquaint himself/herself with the opinions regarding the candidate of the prosecutors' council and,

a) in the case of a head of division prosecutor, head of department prosecutor in the Office of the Prosecutor General that does not come under the divisional structure, appeals public prosecutor and public prosecutor, of the Deputy Prosecutor General,

b) in the case of a senior prosecutor, a prosecutor in a managerial position or a prosecutor of the Office of the Prosecutor General not mentioned in Paragraph a), of the head of division prosecutor or head of department prosecutor in the Office of the Prosecutor General not coming under the divisional structure,

c) in the case of an appeals deputy public prosecutor, head of department appeals prosecutor or appeals prosecutor of the public prosecution office, of the appeals public prosecutor,

d) in the case of a deputy public prosecutor or a prosecutor in a managerial position of the public prosecution office or the district prosecution office, of the public prosecutor.

(2) Candidates shall be informed of the outcome of the procedure in writing, within three months of the deadline for the submission of applications.

(3) Only persons who submitted an application and satisfied the criteria of the job advertisement may be appointed to the position advertised.

(4) If there is no eligible candidate, a new job advertisement shall be invited.

(5) If the new job advertisement also proves to be unsuccessful, a managerial position may be filled by way of engagement. The engagement may be valid for maximum one year.

Section 21

(1) In the event of the long-term absence of a prosecutor in a managerial position, the Prosecutor General may, without inviting a job advertisement, engage a person for a fixed term to fulfil such managerial duties. If the term of the engagement exceeds one hundred and twenty working days, the engagement shall be subject to the prosecutor's consent.

(2) The managerial mandate mentioned in Paragraph (1), Section 19 (5) and Section 20 (5) may be revoked at any time, without justification. Upon the expiry of the mandate, the acting manager shall be re-employed in his original position unless the parties agree otherwise.

8. Cessation of the Mandate of the Prosecutor General and the Deputy Prosecutor General

Section 22

(1) The mandate of the Prosecutor General shall cease:

- a) upon the expiry of the term of his/her mandate [Article 29, Paragraph (4) of the Fundamental Law];
- b) upon his/her exemption;
- c) upon his/her resignation;
- d) upon the completion of the age of seventy years;
- e) upon being elected as a Member of Parliament, Member of the European Parliament, local municipality board representative or mayor [Section 48 (2)] as well as upon election or appointment as a state leader coming under the effect of the Act on the Status of the Members of the Government and State Secretaries (hereinafter referred to as „state leader”);
- f) upon the establishment of a conflict of interests (Section 47);
- g) upon the declaration of his/her forfeiture of office;
- h) upon the final and absolute decision of a court of law imposing a prison sentence or public work due to the commission of a crime or if ordered to undergo forced medical treatment by virtue of a final and absolute decision adopted in criminal proceedings;
- i) upon his/her death;
- j) if any of the conditions set forth in Section 11 (1) no longer exists.

(2) If the mandate of the Prosecutor General ceased on the basis of

- a) Paragraph (1), Point a) or
- b) Paragraph (1), Point d),

he/she shall exercise the powers of the Prosecutor General until the beginning of the mandate of the new Prosecutor General.

Section 23

(1) Effective as of the day following the expiry of the term of the mandate, the former Prosecutor General shall be transferred to another prosecution position if he/she consents thereto. If the former Prosecutor General does not consent to his/her transfer, his/her prosecution service relationship shall cease at the time of the expiry of the term of his/her mandate. In the case referred to in Section 22, Paragraph (2), Point a), the beginning of the mandate of the new Prosecutor General shall be regarded as the expiry of the term of the mandate.

(2) Based on the recommendation of the President of the Republic, Parliament may, by virtue of its decision, exempt the Prosecutor General from his/her office if the Prosecutor General is unable to fulfil the duties arising from his/her mandate for reasons falling beyond his/her control.

(3) In the case mentioned in Paragraph (2), the former Prosecutor General shall be transferred to another prosecution position if he/she consents thereto. If the former Prosecutor General does not consent to his/her transfer or were unable to fulfil his/her duties arising from his/her prosecution position, his/her prosecution service relationship shall be terminated through exemption. In this case, a request for the opinion of the prosecutors' council may be dispensed with. The exemption period is six months which shall commence as of the day following the exemption of the Prosecutor General from his/her mandate. The former Prosecutor General shall be exempted from the performance of work for the entire term of the exemption period. The former Prosecutor General shall be entitled to severance pay and his

average pay for the duration of the exemption period. No average pay shall be due for periods during which the former Prosecutor General would not otherwise be entitled to a salary.

(4) The Prosecutor General may at any time, without stating his/her reasons, resign his/her mandate by way of a declaration addressed to the Speaker of the House by way of the President of the Republic. No declaration of acceptance is required for the validity of his/her resignation. The term of resignation is six months; the parties may also agree on a shorter term of resignation. The term of resignation shall commence on the day on which the Speaker of the House receives the declaration of resignation.

(5) In the case mentioned in Paragraph (4), the former Prosecutor General shall be transferred to another prosecution position as of the day following the expiry of the term of resignation if he/she consents thereto. If the former Prosecutor General does not consent to his/her transfer, his/her prosecution service relationship shall cease on the day of the expiry of his/her term of resignation.

(6) The employer measures mentioned in Paragraphs (1), (3) and (5) shall be implemented by the newly elected Prosecutor General, or in the absence thereof, by the Deputy Prosecutor General. The former Prosecutor General shall be transferred to a prosecution position at the Office of the Prosecutor General or, at his request, to another, preferably managerial, prosecution position at an inferior prosecution office. In the event of the transfer of the former Prosecutor General, in addition to the title of "titular public prosecutor" and a position supplement, the former Prosecutor General shall be entitled, at his/her discretion, to a title supplement of an amount that is equal to the managerial supplement of a head of division prosecutor at the Office of the Prosecutor General or the managerial supplement established with respect to his/her new position. The transfer shall not affect the former Prosecutor General's pay grade.

(7) Based on the recommendation of the President of the Republic, Parliament shall pronounce the Prosecutor General's forfeiture of office in a decision if the Prosecutor General fails to fulfil his/her duties arising from his/her mandate for reasons falling within his/her control or committed a crime established in a final and absolute judgment or otherwise becomes unworthy of his/her office.

(8) In the case mentioned in Section 22 (1), Point d), the Prosecutor General shall be entitled to an amount that is equal to his/her six months' average pay.

(9) In the cases determined in Section 22 (1), Points d)–j), the Prosecutor General's prosecution service relationship shall also cease. The prosecution service relationship of a Prosecutor General having completed the age of seventy years shall cease upon the commencement of the mandate of the new Prosecutor General in the case mentioned in Section 22 (2), Point b).

(10) If the Prosecutor General's mandate ceases on the basis of Section 22 (1), Point j), the President of the Republic shall establish the fact thereof.

Section 24

(1) The mandate of the Deputy Prosecutor General shall cease:

- a) upon his/her exemption;
- b) upon his/her resignation;
- c) upon the completion of the applicable old-age pension age;

d) upon being elected as a Member of Parliament, Member of the European Parliament, local municipality board representative or mayor [Section 48 (2)] or upon his/her election or appointment as a state leader;

e) upon the establishment of a conflict of interests (Section 47);

f) upon the declaration of his/her forfeiture of office;

g) upon the final and absolute decision of a court of law imposing a prison sentence or public work due to the commission of a crime or if ordered to undergo forced medical treatment by virtue of a final and absolute decision adopted in criminal proceedings;

h) upon his/her death;

i) if any of the conditions determined in Section 11 (1) no longer exists.

(2) Based on the recommendation of the Prosecutor General, the President of the Republic may at any time, without stating his/her reasons, exempt the Deputy Prosecutor General from his/her office.

(3) In the case mentioned in Paragraph (2), the former Deputy Prosecutor General shall be transferred to another prosecution position if he/she consents thereto. If the former Deputy Prosecutor General does not consent to his/her transfer or were unable to fulfil his/her duties arising from his/her prosecution position, his/her prosecution service relationship shall be terminated through exemption. In this case, a request for the opinion of the prosecutors' council may be dispensed with. The exemption period is six months which shall commence as of the day following the exemption of the Deputy Prosecutor General from his/her mandate. The former Deputy Prosecutor General shall be exempted from the performance of work for the entire term of the exemption period. The former Deputy Prosecutor General shall be entitled to severance pay and his/her average pay for the duration of the exemption period. No average pay shall be due for periods during which the former Deputy Prosecutor General would not otherwise be entitled to a salary.

(4) The Deputy Prosecutor General may at any time, without stating his/her reasons, resign his/her mandate by way of a declaration addressed to the President of the Republic by way of the Prosecutor General. No declaration of acceptance is required for the validity of his resignation. The term of resignation is six months; the parties may also agree on a shorter term of resignation. The term of resignation shall commence on the day on which the President of the Republic receives the declaration of resignation.

(5) In the case mentioned in Paragraph (4), the former Deputy Prosecutor General shall be transferred to another prosecution position as of the day following the expiry of the term of resignation if he/she consents thereto. If the former Deputy Prosecutor General does not consent to his/her transfer, his/her prosecution service relationship shall cease on the day of the expiry of his/her term of resignation.

(6) The employer measures mentioned in Paragraphs (3) and (5) shall be implemented by the Prosecutor General. The former Deputy Prosecutor General shall be transferred to a prosecution position at the Office of the Prosecutor General or, at his/her request, to another, preferably managerial, prosecution position at an inferior prosecution office. In the event of the transfer of the former Deputy Prosecutor General, in addition to the title of "titular public prosecutor" and a position supplement, the former Deputy Prosecutor General shall be entitled, at his/her discretion, to a title supplement of an amount that is equal to the managerial supplement of a deputy head of division prosecutor at the Office of the Prosecutor General or the managerial supplement established with respect to his/her new position. The transfer shall not affect the former Deputy Prosecutor General's pay grade.

(7) Based on the recommendation of the Prosecutor General, the President of the Republic shall pronounce the Deputy Prosecutor General's forfeiture of office in a decision if the Deputy Prosecutor General fails to fulfil his/her duties arising from his/her mandate for reasons

falling within his/her control or committed a crime established in a final and absolute judgment or otherwise becomes unworthy of his/her office.

(8) In the case mentioned in Paragraph (1), Point c), the Deputy Prosecutor General shall be entitled to an amount that is equal to his/her six months' average pay.

(9) In the cases determined in Paragraph (1), Points c)–i), the Deputy Prosecutor General's prosecution service relationship shall also cease.

(10) If the Deputy Prosecutor General's mandate ceases on the basis of Paragraph (1), Point i), the President of the Republic shall establish the fact thereof.

9. Revocation of Managerial Appointment

Section 25

(1) Managerial appointments falling within the Prosecutor General's competence shall be valid for an indefinite term and may be revoked at any time without justification. Prior to the revocation of a managerial appointment, the prosecutors' council shall be consulted.

(2) Upon the revocation of his/her appointment, the manager shall be transferred to another prosecution position, if he/she consents thereto, at his/her discretion, in the locality of his/her service post or his/her service post prior to his/her managerial appointment, that corresponds or is inferior to his/her managerial position.

(3) If the former manager does not consent to his/her transfer or were unable to fulfil the duties arising from his/her prosecution office, his/her prosecution service relationship shall be terminated through exemption. In this case, a request for the opinion of the prosecutors' council may be dispensed with. The exemption period shall commence as of the day following the revocation of the appointment. The former manager shall be exempted from the performance of work for the entire term of the exemption period.

(4) A senior prosecutor falling within the Prosecutor General's competence of appointment may resign his/her office at six months' notice, while a prosecutor in a managerial position may resign his/her managerial position at three months' notice; the parties may also agree on a shorter period. In the case of resignation, the Prosecutor General shall transfer the manager, provided that he consents thereto, to another prosecution position that is, if possible, at least equivalent to the previous position in the locality of his/her service post or in the locality of his/her service post prior to his/her managerial appointment. If the manager does not consent to his/her transfer, it shall be regarded in such a way that his/her prosecution service relationship shall cease through resignation effective as of the day of the expiry of the term of resignation.

10. Alteration of Appointment

Section 26

An appointment may only be altered, not including exemption from the mandate of the Prosecutor General and the Deputy Prosecutor General, the revocation of managerial appointments and final and absolute disciplinary sanctions, with the mutual agreement of the person exercising the employer's rights and the prosecutor. In other respects, the rules of the Labour Code relating to the amendment of employment contracts shall duly govern, subject to the difference that no mutual agreement is required for

- a) a rise in the prosecutor's pay by virtue of an employer measure;
- b) a change occurring in the prosecutor's pay by virtue of a statutory provision.

11. Temporary Assignment

Section 27

(1) Prosecutors may, without their consent, be transferred to a prosecution position in another service post in the county of their service post every three years, for maximum one year, out of the interests of prosecution or for the promotion of their professional development, on a temporary basis. A prosecutor serving in the capital or in Pest County may be transferred to another service post in the capital or in the territory of Pest County. Upon a temporary assignment, the prosecutor's fair interests shall be taken into consideration. The prosecutor shall be notified of the temporary assignment in writing, minimum fifteen days prior to the commencement of the new assignment. As part of the notification, the prosecutor shall be informed of the place, beginning and duration of the temporary assignment.

(2) A prosecutor may, with his/her consent, also be transferred beyond the term determined in Paragraph (1) and to service posts not mentioned in Paragraph (1).

(3) The following persons may not be transferred without their consent to a service post in a locality other than the locality of their residence or temporary residence (for the purposes of the present Section, hereinafter collectively referred to as „residence”) or service post:

- a) women as of the initial diagnosis of pregnancy until their children complete the age of three years;
- b) prosecutors raising their minor children on their own;
- c) prosecutors looking after a close relative in need of permanent nursing;
- d) prosecutors in the case of permanent illness or severe health deterioration.

(4) If a prosecutor is transferred to an office in a locality other than the locality of his/her service post or residence from which he/she is unable to commute back to his/her residence every day, he/she shall be entitled to a daily allowance of the amount calculated as set forth in Section 57 (1)–(3) as a flat-rate catering cost allowance, over and above the reimbursement of the costs of commuting and accommodation, for the working days spent in such temporary assignment. If a prosecutor is transferred to the area of jurisdiction of another public prosecution office or the prosecutor of an appeals public prosecution office is transferred to another service post, he/she shall be entitled to 150% of the daily allowance.

(5) In the case of a temporary assignment, upon travelling by rail, prosecutors shall be entitled to travel first class.

(6) If a prosecutor is unable to return from the post of the assignment to his/her residence every day, the employer shall reimburse the prosecutor for the costs of commuting between the post of the assignment and the prosecutor's residence:

- a) once weekly as well as on bank holidays and in the case of travelling home prior to taking leave, and
- b) if such travel takes place for reasons falling within the employer's control or with the employer's permission.

12. Prosecutor Transferred to the Ministry Headed by the Minister Responsible for Justice

Section 28

(1) The Prosecutor General may transfer a prosecutor, with his/her consent and in the event of the agreement of the Minister responsible for justice, to the Ministry headed by the Minister responsible for justice for the purpose of participation in the drafting of legal rules or the fulfilment of other duties requiring prosecutorial experience.

(2) A prosecutor transferred to the Ministry headed by the Minister responsible for justice (hereinafter referred to as "prosecutor transferred to the Ministry") shall retain his/her prosecution office but may not exercise prosecution powers. His/her remuneration shall be governed by the rules relating to prosecutors.

(3) A prosecutor transferred to the Ministry is obliged to implement and to facilitate the enforcement of any managerial measures and instructions.

(4) The status of prosecutors transferred to the Ministry shall be duly governed by the provisions of Sections 44–48, Section 49 (1) and Sections 55 and 79.

(5) The Prosecutor General shall exercise disciplinary powers in respect of prosecutors transferred to the Ministry in accordance with the provisions of Chapter X, with the proviso that the Minister responsible for justice may initiate the institution of disciplinary proceedings.

Section 29

(1) The Prosecutor General may terminate the assignment of a prosecutor in the Ministry headed by the Minister responsible for justice:

- a) at the prosecutor's request,
- b) upon the motion of the Minister responsible for justice,
- c) ex officio, in prior consultation with the Minister responsible for justice.

(2) The prosecutor shall fulfil his/her duties at the Ministry headed by the Minister responsible for justice for a further period of 30 days following the communication of the termination of his/her assignment, however, the parties may depart from this by mutual agreement.

(3) Following the cessation of his/her assignment in the Ministry headed by the Minister responsible for justice, the prosecutor shall be appointed to an actual prosecution position, without application, that is at least equivalent to the position held prior to his/her transfer to the Ministry headed by the Minister responsible for justice, if possible, in a service post in the locality of the prosecutor's residence or in the locality of his/her former service post. The prosecutor may also be appointed to another service post with his/her consent.

13. Prosecutors Working for International Organisations or Under the Auspices of the European Union Abroad

Section 30

(1) The Prosecutor General may transfer a prosecutor, with his/her consent, on a long-term assignment abroad to work for an international organisation or for the fulfilment of duties of cooperation in justice under the auspices of the European Union.

(2) A prosecutor on a long-term assignment abroad may exercise prosecution powers within the scope and in the manner determined by the Prosecutor General.

(3) The Prosecutor General shall terminate a prosecutor's long-term assignment abroad at the prosecutor's request or ex officio. The Prosecutor General may oblige the prosecutor to continue his/her assignment abroad for a period of three months following the communication of the termination of his/her assignment.

(4) Following the cessation of his/her long-term assignment abroad, the prosecutor shall be employed, if possible, at his/her former service post, in his/her original position, or his/her appointment shall be altered, without application, if possible, to a position that is at least equivalent to his/her original position prior to the assignment abroad in the locality of the prosecutor's residence or his/her former service post. The prosecutor's appointment may, with his/her consent, be altered to another service post and position.

Section 31

(1) At the prosecutor's request, the Prosecutor General may authorise unpaid leave for a fixed term, for the duration of the performance of work with an international organisation or the agencies of the European Union for the fulfilment of a job awarded via advertising that requires prosecution expertise and is compatible with the prosecutor's office. No legal dispute may be instituted due to the refusal of the authorisation of unpaid leave.

(2) At the prosecutor's request, the Prosecutor General shall authorise unpaid leave for the duration of service abroad if the prosecutor's spouse completes an assignment abroad.

(3) The prosecutor shall not be entitled to the rights arising from his prosecution service relationship and no such obligations shall lie with the prosecutor during the term of unpaid leave.

(4) If the term of unpaid leave exceeds six months and the prosecutor holds a managerial engagement or managerial appointment, his managerial engagement or appointment shall cease by the force of the present Act as of the day preceding the beginning of the unpaid leave.

(5) In the case of unpaid leave of a duration of more than six months, following the cessation of the work-related legal relationship or the spouse's assignment abroad, the prosecutor shall, in response to a request filed three months earlier, be given a prosecution position, without application, if possible, in a service post in the locality of the prosecutor's residence or former service post. If the prosecutor does not submit a request for his/her re-employment, does not accept the position offered or fails to issue a declaration within thirty days of receiving an offer, his/her prosecution service relationship shall cease as of the last day of his/her unpaid leave.

(6) If the Prosecutor General does not authorise the unpaid leave mentioned in Paragraph (1), the prosecutor's prosecution service relationship shall cease on the day preceding the beginning of the work-related legal relationship. The parties may also determine the date of cessation in departure herefrom.

14. Prosecutors Working in Higher Education

Section 32

At the prosecutor's request, the Prosecutor General may authorise unpaid leave for a fixed term, for the duration of the performance of work in a teaching, senior or managerial position in higher education. In this case, the provisions set forth in Section 31 (3)–(5) shall duly govern. No legal dispute may be instituted due to the refusal of the authorisation of unpaid leave.

Chapter IV
Cessation of Prosecution Service Relationship

15. Cessation of Prosecution Service Relationship of the Prosecutor General and Deputy Prosecutor General

Section 33

The cessation of the mandates of the Prosecutor General and the Deputy Prosecutor General shall also result in the cessation of their prosecution service relationships in the cases and in the manner determined in Sections 22–24.

16. Cessation of Prosecution Service Relationships of Prosecutors Appointed by the Prosecutor General

Section 34

The prosecution service relationships of prosecutors appointed by the Prosecutor General shall cease

- a) by the mutual agreement of the parties;
- b) through exemption;
- c) through resignation;
- d) upon the completion of the applicable old-age pension age;
- e) through extraordinary resignation;
- f) upon election as a Member of Parliament, Member of the European Parliament, local municipality board representative or mayor (Section 48) or upon election or appointment as a state leader;
- g) upon the establishment of a conflict of interests;
- h) by virtue of a final and absolute decision imposing the disciplinary sanction of forfeiture of office;
- i) upon the final and absolute decision of a court of law imposing a prison sentence or public work due to the commission of a crime or if ordered to undergo forced medical treatment by virtue of a final and absolute decision adopted in criminal proceedings;
- j) in the cases regulated in Section 17 (5);
- k) in the cases regulated in Section 31 (4)–(5);
- l) through death;
- m) if any of the conditions set forth in Section 11 (1) no longer exists;
- n) through the violation of the obligation of taking an oath prescribed in the present Act;

o) through the violation of the obligation of making a financial disclosure statement as set forth in a separate rule of law.

Section 35

The prosecutor's prosecution service relationship may be terminated at any time with the mutual agreement of the prosecutor and the Prosecutor General.

Section 36

(1) The Prosecutor General may terminate the prosecutor's prosecution service relationship through exemption if

- a) the activity of the prosecution office, for the purposes of which the prosecutor was employed ceased;
- b) the prosecutor's position became redundant as a consequence of reorganisation or staff reductions;
- c) the prosecutor is unable to fulfil his/her duties on a long-term basis and/or failed to subject him/herself to the examination mentioned in Section 51 (3);
- d) the prosecutor is eligible for a disability (accident-related disability) pension;
- e) it is necessary to exempt the prosecutor for the reason cited in Section 25 (3);
- f) a prosecutor meeting the conditions of eligibility, upon the expiry of the exemption period, at the latest, for a disability (accident-related disability) pension or an old-age pension as set forth in Section 18 (2a) of LXXXI of 1997 on Social Security Pension Services (hereinafter referred to as „SSPS“) him/herself requests his/her exemption on such grounds.

(2) Paragraph (1), Point c) shall apply if the Prosecutor General established the prosecutor's ineligibility on the basis of the result of an evaluation and the prosecutor failed to resign his/her office in spite of a notice.

(3) A prosecutor's prosecution service relationship may not be terminated through exemption even in the cases determined in Paragraph (1), Points a)–c) if the prohibitions regarding the termination of employment as set forth in the Labour Code exist.

(4) A prosecutor may be exempted on the basis of Paragraph (1), Points a) to c) if there is no other position suited to his/her qualifications and/or eligibility or if the prosecutor does not consent to a transfer to a different position. This restriction shall not apply to cases where the prosecutor is exempted on the basis of Paragraph (1), Point c) because he/she failed to subject him/herself to the examination mentioned in Section 51 (3).

(5) A prosecutor's prosecution service relationship may only be terminated through exemption in particularly justified circumstances

- a) during the last five years before the completion of the applicable old-age pension age if he/she does not receive a pension service in his/her own right;
- b) if the prosecutor is a mother, until her child completes the age of three years, provided that she does not take unpaid leave for the purpose of child birth or child care;
- c) if the prosecutor is single, until the completion of his/her dependant child's full-time studies but until the child completes the age of twenty-five years, at the latest.

(6) If a prosecutor eligible for a disability (accident-related disability) pension or an old-age pension as set forth in Section 18 (2a) of SSPS initiates his/her exemption on the basis of Paragraph (1), Point f), the Prosecutor General shall exempt the prosecutor without consulting the prosecutors' council in the interest of enabling him/her to avail him/herself of the relevant social security services. This right shall also be due to a prosecutor receiving a disability (accident-related disability) pension if he/she initiates his/her exemption on the basis of

Paragraph (1), Point d). Exemption on these grounds is only mandatory at the prosecutor's initiative on one occasion.

(7) The prosecutor shall verify his entitlement to a disability (accident-related disability) pension or the old-age pension referred to in Section 18 (2a) of SSPS.

(8) The prosecution service relationship of a military prosecutor shall be terminated through exemption if his/her military service relationship as a professional member of the armed forces has ceased and he/she does not consent to employment in a different prosecution position or there is no other prosecution position suited to his/her skills available. In this case, the prohibitions regarding the termination of employment set forth in the Labour Code need not be taken into consideration. If the prosecution service relationship of a military prosecutor ceases for other reasons, the Prosecutor General shall place the professional soldier at the disposal of the Chief of Staff of the Defence Forces. If the professional military service relationship of a military prosecutor ceased through resignation and he/she does not consent to employment in a different prosecution position, this shall be regarded in such a way that his/her prosecution service relationship shall cease through resignation as of the day of the expiry of the term of resignation.

Section 37

(1) The reasons for exemption shall be duly stated; the reasoning provided shall clearly identify the reasons for exemption. The genuine and reasonable nature of the reasons for exemption shall be substantiated by the employer.

(2) Except as set forth in Paragraph (3), the exemption period of prosecutors is six months.

(3) A prosecutor's exemption period is one month if he/she is exempted due to ineligibility, not including medical reasons.

(4) Prosecutors shall be exempted from the performance of work for at least one half of the exemption period or for the full exemption period in the case referred to in Paragraph (3). If requested by the prosecutor, the term of his exemption from the performance of work may also be shorter.

Section 38

(1) The prosecutor may at any time resign his/her prosecution service relationship by way of a declaration served upon the Prosecutor General.

(2) The term of resignation shall be six months in the case of senior prosecutors, while other prosecutors shall have a term of resignation of three months. Exemption from the performance of work may be granted for a part or the entirety of the above periods.

Section 39

Prosecutors shall be entitled to their average pay for the duration of exemption from the performance of work. No average pay shall be due for a period during which the prosecutor would not otherwise be entitled to a salary. In the case of a prosecutor definitively exempted from the performance of work, the provisions set forth in Section 45 shall not apply.

Section 40

(1) A prosecutor may terminate his/her prosecution service relationship by way of extraordinary resignation if the employer

a) significantly violates its material obligations arising from the prosecution service relationship whether wilfully or through gross negligence, or

b) manifests a practice which frustrates the continued maintenance of the prosecution service relationship.

(2) Prosecutors may exercise the right of extraordinary resignation within six days of becoming aware of the circumstances giving rise thereto, however, within maximum six months of the emergence of these circumstances.

(3) In the case of extraordinary resignation, the employer shall pay the prosecutor his/her average pay for the period that he/she would be entitled to in the event of exemption; the date of the cessation of the prosecution service relationship shall be determined with regard to the exemption period applicable to the prosecutor.

Section 41

(1) If the prosecution service relationship of a prosecutor appointed by the Prosecutor General ceases on the basis of Section 34, Points f), i), k) and m)–o), the fact thereof shall be established by the Prosecutor General. In the case mentioned in Section 34, Point d), the prosecutor shall be entitled to an amount that is equal to his/her six-month average pay.

(2) In the case of a prosecution service relationship entered into for a fixed term [Section 14(2), Section 17(4)], the exemption period or term of resignation may not extend beyond the expiry of the fixed term.

17. Severance Pay

Section 42

(1) If their prosecution service relationship is terminated through exemption or extraordinary resignation as well as in the case determined in Section 97 (5), prosecutors shall be entitled to severance pay. Prosecutors shall be entitled to severance pay in the case set forth in Section 43 (1) even if their prosecution service relationship was not terminated in the manner referred to in this Paragraph.

(2) If the period of time completed in a prosecution service relationship is at least

- a) three years, an amount that is equal to one month's,
- b) five years, an amount that is equal to two months',
- c) eight years, an amount that is equal to three months',
- d) ten years, an amount that is equal to four months',
- e) thirteen years, an amount that is equal to five months',
- f) sixteen years, an amount that is equal to six months',
- g) twenty years, an amount that is equal to eight months'

average pay shall be due as severance pay.

(3) A prosecutor who was exempted on the grounds of ineligibility, not including medical reasons, or with regard to the fact that he/she failed to subject him/herself to the examination mentioned in Section 51 (3) shall not be entitled to severance pay. No severance pay shall be due if the prosecutor qualifies as a pensioner on the day following the cessation of the prosecution service relationship, at the latest or he/she him/herself requests his/her exemption with reference to Section 36 (1), Points d) and f) or if his/her prosecution service relationship entered into for a fixed term, not including extraordinary resignation, comes to an end.

(4) Upon the cessation through exemption of a prosecution service relationship established repeatedly, only the period completed in a prosecution service relationship following a former severance payment may be taken into consideration as the basis of any further severance payment.

(5) The provisions related to severance pay shall apply to military prosecutors if their military service relationship as professional soldiers also ceases. In this case, military prosecutors shall only be entitled to severance pay under the present Act.

18. Unlawful Termination of Prosecution Service Relationship

Section 43

(1) If the court establishes that the employer terminated a prosecution service relationship unlawfully, the relevant legal consequences shall be duly governed by the rules of the Labour Code relating to the unlawful termination of employment and its legal consequences.

(2) If a prosecutor terminates his/her prosecution service relationship through the violation of a rule relating to the termination of the prosecution service relationship, this shall be construed as if his/her prosecution service relationship had been terminated through the disciplinary sanction of forfeiture of office, and the prosecutor shall pay the employer an amount that is equal to the pay that he would be entitled to based on the applicable term of resignation, however, in the case of a prosecution service relationship entered into for a fixed term, the pay due for the remaining term, at most. The employer shall also be entitled to enforce any further damages in excess thereof.

Chapter V Conflict of Interests

Section 44

(1) A prosecutor may not be a Member of Parliament, Member of the European Parliament, local municipality board representative, mayor or state leader.

(2) The prosecution service relationship of the Prosecutor General or the Deputy Prosecutor General shall be terminated due to a conflict of interests if they refuse or fail to meet the obligation of making a financial disclosure statement or supply any material data or fact falsely in their financial disclosure statements.

Section 45

(1) Prosecutors may not engage in gainful activities beyond the fulfilment of their office, not including any academic and teaching work (as coach, referee or umpire), artistic activities and activities under copyright protection, proof-reading and editorial work and creative technical

work, provided that these do not jeopardise their independence and impartiality and do not hinder them in the fulfilment of their official obligations.

(2) Prosecutors may not be the senior officers or members obliged to participate in person of business associations, cooperation companies and cooperatives, the members of the supervisory boards of business associations, cooperation companies and cooperatives, the members with unlimited liability of business associations and cooperation companies and the members of individual businesses.

(3) Prosecutors may only engage in any other work-related legal relationship affecting their working hours in their entirety or partly with the prior consent of the person exercising the employer's rights. No legal dispute may be initiated due to the refusal of such consent.

(4) Prosecutors shall report the establishment of any other work-related legal relationship not affecting their working hours as part of their prosecution service relationships to the person exercising the employer's rights on a preliminary basis. The person exercising the employer's rights shall prohibit the establishment of a legal relationship if it is incompatible with the position held by the prosecutor on the basis of his prosecution service relationship under the provisions of the present Act.

Section 46

(1) No prosecution service relationship may be established, by virtue of which a prosecution employee may enter into a supervisory, controlling or accountability relationship with his/her relative [Section 155 (1)].

(2) In the case of the Prosecutor General, the President of the Republic, while in the case of other prosecution employees, the Prosecutor General may, in particularly justified circumstances, grant exemption from the prohibition set forth in Paragraph (1). Upon the adoption of a decision, the best interests of prosecution constitute the most important criteria.

Section 47

(1) Prosecution employees shall report without delay if any conflict of interests emerges in respect of their persons.

(2) Prosecutors shall terminate the conflicts of interests defined in Article 29 (6) of the Fundamental Law and Section 44 (1) of the present Act at the time of their appointment (election), at the latest, while the conflicts of interests mentioned in Section 45 (1)–(2), within fifteen days of their appointment (election). Prosecutors may not exercise their powers arising from their office until the termination of these conflicts of interests.

(3) If a prosecutor fails to meet the obligation referred to in Paragraph (2) by the prescribed deadline or a conflict of interests emerges in respect of his/her person in the course of the fulfilment of his/her office,

a) in the case of the Prosecutor General, the President of the Republic,
b) while in the case of any other prosecutor, the Prosecutor General, in prior consultation with the prosecutors' council,

shall establish the existence of a conflict of interests.

(4) If the prosecutor terminates a conflict of interests in respect of his/her person during the procedure, the establishment of a conflict of interests may be dispensed with.

(5) If a conflict of interests under Section 46 (1) emerges during the existence of a prosecution service relationship, in the absence of exemption from the conflict of interests or the agreement of the relatives, in the case of the Prosecutor General and his/her relative, a conflict of interests shall be established with respect to the Prosecutor General, while in other cases, the person referred to in Paragraph (3), Point b) shall decide in respect of which prosecution employee the conflict of interests exists.

(6) In the cases determined in Paragraphs (3) and (5), the prosecution service relationship shall cease as of the day of the establishment of the conflict of interests.

Section 48

(1) If a prosecutor 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/she shall report this intention to the person exercising the employer's rights by the day following the registration of his/her candidacy with the election agency. The prosecutor's prosecution service relationship shall be suspended as of the date of reporting until the publication of the election result or, in the event of his/her election, until the verification of his/her mandate. The term of such suspension shall qualify as time completed in the prosecution service relationship.

(2) The prosecutor's prosecution service relationship shall cease upon his/her election as Member of Parliament, Member of the European Parliament, local municipality board representative or mayor.

(3) The term of his/her mandate as a Member of Parliament, Member of the European Parliament, local municipality board representative or mayor shall be regarded as time completed in the prosecution service relationship if the prosecutor repeatedly enters into a prosecution service relationship upon the cessation of this mandate.

19. Obligation of Verification

Section 49

(1) Prosecutors shall during the existence of their prosecution service relationships verify in writing, within fifteen working days in response to a notice served upon them by the person exercising the employer's rights in conjunction with a warning of the legal consequences of failure of verification, that the circumstances determined in Section 11 (4), Points a)–b), Point c), items ca)–cc), cf)–cg), further in Point c), the first turn of phrase of items cd) and ch) and Paragraph d) do not exist in respect of their persons.

(2) If in response to the notice referred to in Paragraph (1) the prosecutor verifies that the circumstances determined in Section 11 (4) Points a)–b), Point c), items ca)–cc), cf)–cg), further in Point c), the first turn of phrase of items cd) and ch) and Point d) do not exist in respect of his/her person, the employer shall reimburse the prosecutor for the administrative service fee paid for the procedure instituted for the issuance by the criminal records agency of the official certificate for the purpose of verification.

(3) The person exercising the employer's rights shall, for the purpose of verifying the circumstances determined in Section 11 (4), Points a)–f), manage the personal data of

- a) persons nominated for prosecution offices,
- b) prosecutors

which are contained in the official certificates issued by the criminal records agency for the purpose.

(4) The person exercising the employer's rights shall manage the personal data recorded in the official certificates on the basis of Section 156 (1) and Paragraph (1) until the date of the decision adopted with respect to the establishment of the prosecution service relationship or, in the event of the establishment and existence of a prosecution service relationship, until the cessation of the prosecution service relationship.

(5) The rights determined in Paragraphs (1) to (4) for the person exercising the employer's rights shall be exercised by the President of the Republic in respect of the Prosecutor General and by the Prosecutor General in respect of the Deputy Prosecutor General.

(6) If a prosecutor fails to meet his/her obligation of verification set forth in Paragraph (1) in spite of repeated, duly served notices and fails to verify that failure on his/her part to meet this obligation is a consequence of circumstances beyond his/her control, his/her prosecution service relationship shall be terminated due to a conflict of interests.

Chapter VI Assessment

Section 50

(1) Prosecutors, with the exception of the Prosecutor General and the Deputy Prosecutor General, shall be assessed before the expiry of the fixed term of the first prosecution appointment, while in the case of a first appointment for an indefinite term [Section 14 (2)], before the expiry of a period of three years following the appointment, and thereafter every eight years, provided that they worked under the supervision of the assessor or his/her deputy for minimum one year during the assessment period. Prosecutors need not be assessed during the six years preceding the completion of the applicable old-age pension age.

(2) In addition to the cases mentioned in Paragraph (1), a prosecutor shall also be assessed if

- a) requested by the prosecutor, provided that two years have elapsed since the previous assessment,
- b) circumstances have emerged that indicate the prosecutor's professional ineligibility or the necessity to alter the evaluation of the previous assessment.

(3) In the case referred to in Paragraph (2), Point b), the prosecutor shall be notified of the extraordinary assessment in writing.

(4) Assessment is the duty of the person exercising the employer's rights. The official work of prosecutors assigned to the Ministry shall be evaluated by the Minister responsible for justice in accordance with the rules applicable to government officials.

(5) The purpose of assessment is to assess the quality of the prosecutor's professional activities, to evaluate his/her skills, abilities and character traits with an impact thereon and to facilitate professional development.

(6) The assessment may only feature duly supported, factual findings.

Section 51

(1) As a result of the assessment, prosecutors 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) In the event of an ineligible grade, upon the disclosure of the result of the assessment, the prosecutor shall be called upon to resign his/her office within thirty days.

(3) If ineligibility is a consequence of health-related circumstances and the prosecutor does not resign his/her office in spite of the notice referred to in Paragraph (2), it is necessary to have the prosecutor's state of health examined, and subsequent action shall depend on the outcome of the examination. The prosecutor is obliged to subject him/herself to the examination. The provisions of Section 12 (3)–(5) shall duly govern the examination. The costs of the examination shall be covered by the employer.

(4) If the prosecutor is awarded an evaluation grade "eligible, subsequent assessment required" as a result of the assessment, the person exercising the employer's rights shall identify the deficiencies and irregularities experienced in the assessment and shall state the main criteria of the desired changes which shall be reviewed prior to the next assessment. The next assessment shall be carried out within 2 years. A prosecutor repeatedly appointed for a fixed term under Section 17 (4) shall be assessed by the sixtieth day preceding the expiry of the fixed term, at the latest.

(5) A prosecutor shall be awarded an ineligible grade upon the next assessment if he/she fails to obtain an eligible grade on the occasion of this assessment.

Section 52

(1) The assessment shall be disclosed to the prosecutor. The assessment shall be handed over to the prosecutor minimum three working days before the official notification procedure. In addition to the person exercising the employer's rights, the head of the prosecution office where the prosecutor serves shall also attend the official notification procedure. The prosecutor shall verify the fact of due notification by signing the assessment and may state his/her remarks if any upon the official notification procedure, at the latest.

(2) One copy of the assessment shall be handed over to the prosecutor at the official notification procedure.

(3) The prosecutor's assessment may be viewed by

- a) the prosecutor and any other person authorised by him;
- b) the prosecutor's superiors;
- c) the prosecution employee responsible for the management of human resources;
- d) the head and prosecutor responsible for the management of human resources of the prosecution agency to which the prosecutor is planned to be transferred.

(4) The prosecutor may request a court of law to quash any erroneous or untrue finding in the assessment or any other finding that may be injurious to his/her personality rights.

Chapter VII Performance of Work

Section 53

(1) Prosecutors shall execute the instructions of the Prosecutor General and the Deputy Prosecutor General.

(2) At the prosecutor's request, an instruction shall be committed to writing. The prosecutor shall not be obliged to execute the instruction until the commission thereof to writing, except as set forth in Paragraph (7).

(3) The prosecutor shall refuse to execute an instruction if, by virtue of the execution thereof, he/she were to commit a crime or contravention.

(4) The prosecutor may refuse to execute an instruction if the execution thereof were to directly and grossly endanger his/her life, health or physical state.

(5) If the prosecutor finds the instruction incompatible with a rule of law or his/her legal conviction, he/she may request exemption from the administration of the given affair in writing with a view to his/her legal position. Any such request may not be refused; in this case, the administration of the given affair shall be entrusted to another prosecutor or the superior prosecutor may withdraw the given affair within his/her own competence.

(6) If the execution of an instruction may cause unlawful damage and the prosecutor may foresee this, the prosecutor shall draw the attention of the person giving the instruction thereto.

(7) The prosecutor shall implement an urgent measure, except as set forth in Paragraphs (3) and (4), even if he/she sought exemption from the execution of the instruction.

Section 54

(1) Prosecutors shall attend regular training as necessary for their activities and shall verify the fulfilment of the training obligation prescribed in the instruction issued by the Prosecutor General every five years actually completed in a prosecution service relationship towards the person exercising the employer's rights. The prosecution office shall provide the conditions necessary for the fulfilment of this obligation.

(2) If a prosecutor fails to meet his/her training obligation through his/her own fault, he/she shall be assessed without delay and may not submit an application for a more senior prosecution position.

(3) The rules regarding the system of training and of the fulfilment of the training obligation shall be determined by the Prosecutor General in an instruction.

Section 55

(1) At the written request of a full-time prosecutor, the employer shall stipulate a part-time schedule of twenty hours weekly in the appointment if, at the time of the submission of the

application, the prosecutor takes unpaid leave for the home care of his/her child until his/her child completes the age of three years.

(2) The employer may only refuse a prosecutor's application for a schedule of irregular working hours if this were to present a substantially greater burden in the organisation of work. The employer shall state the reasons for the refusal of the application in writing.

(3) The stipulation of part-time working hours shall take effect

a) as of the day following the cessation of unpaid leave,
b) if the prosecutor must be granted his/her ordinary leave due for previous years, as of the day following the end of his/her leave.

(4) For the purposes of Paragraph (3), Point b), unless the parties agree otherwise, the granting of ordinary leave shall commence on the first working day following the end of the unpaid leave. Unless agreed otherwise, the granting of ordinary leave shall commence within thirty days of the end of the unpaid leave.

(5) The employer shall be notified of the application minimum sixty days prior to the end of the unpaid leave referred to in Paragraph (1). The prosecutor shall inform the employer of the following in his/her application:

a) date when his/her child entitling him/her to take unpaid leave completes the age of three years, and
b) if the prosecutor wishes to work in an irregular schedule of working hours, proposed schedule of working hours.

(6) As of the date referred to in Paragraph (3), benefits provided in cash or in kind, directly or indirectly, on the basis of the prosecution service relationship shall be governed by the principle of pro rata entitlement by the force of the present Act if entitlement to such benefits is related to the number of working hours.

(7) The employer shall employ the prosecutor in a part-time arrangement 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.

Following this, the prosecutor's working hours shall be determined on the basis of the number of hours completed prior to the submission of the application, while his/her salary shall be established subject to the due application of the principle of pro rata entitlement.

(8) Paragraphs (1)–(7) are not applicable in the case of senior and managerial prosecutors and military prosecutors.

Section 56

(1) In extraordinary circumstances, prosecutors may also be obliged to work beyond or in excess of their working hours and are obliged to provide duty or stand-by service. Duty and stand-by service may also be ordered on days of rest. The performance of work in departure from the normal schedule of work, beyond or in excess of the normal working hours and during stand-by or duty service shall qualify as irregular work.

(2) Prosecutors shall not be entitled to remuneration for any irregular work performed on working days, except as set forth in Paragraph (4). However, a flat-rate free time of maximum ten working days annually may be provided for prosecutors regularly performing work on an irregular basis.

(3) In consideration of any work performed on days of rest and bank holidays, prosecutors shall be entitled to free time at the rate of double the working hours completed, except as set forth in Paragraph (4).

(4) Prosecutors shall be entitled to remuneration for any duty and stand-by service completed beyond the working hours. The amount payable is the prosecutor's salary falling on the hours completed on duty and fifty per cent thereof in the case of stand-by service. If the prosecutor 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.

(5) Any free time (flat-rate free time) shall be granted to the prosecutor in the subject year; if this is not possible, it shall be redeemed at the rate of the prosecutor's pay falling pro rata on such free time.

(6) For the purposes of the present Act,

a) duty service: availability in the place and during the hours determined by the employer;

b) stand-by service: availability at a place of the prosecutor's choice that is accessible with regard to the place of work. During the term of any duty or stand-by service, the prosecutor shall ensure that he/she is in a state fit for work and is able to perform work on the basis of the employer's instruction.

(7) No duty or stand-by fee is payable to prosecutors assigned to the Ministry. A flat-rate free time allowance may be provided for any irregular work in accordance with the rules applicable to government officials.

Section 57

(1) In the case of an assignment in Hungary in excess of six hours, prosecutors shall be entitled to twenty per cent of the part of the 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.

(2) If the employer provides meals for the prosecutor or if the accommodation costs also include the price of meals, the daily allowance shall be reduced at the following rate per meal:

a) by twenty per cent in the case of breakfast;

b) by fifty per cent in the case of lunch;

c) by thirty per cent in the case of dinner.

(3) In calculating the domestic daily allowance of prosecutors, twenty-one working days per month shall be taken into consideration. The daily allowance shall be rounded up or down to ten forints.

(4) Prosecutors shall be entitled to travel first class in the case of travel by rail on domestic assignments. The costs of travel and accommodation shall lie with the employer.

Chapter VIII Remuneration

20. General Rules of Remuneration

Section 58

(1) Prosecutors shall be entitled to a remuneration according to the dignity of the profession and the gravity of their responsibility that is worthy of their role played in the administration of justice and the maintenance of legality.

(2) As regards any further benefits attached to their respective positions not regulated in the present Act, the Prosecutor General shall qualify as equal in rank to the President of the Curia, the Deputy Prosecutor General to the Vice-President of the Curia, while prosecutors holding the position of head of division shall qualify as equal in rank to the section heads of the Curia.

(3) The Prosecutor General shall be entitled to personal protection extending to both official and private engagements as set forth in the legal rules on the protection of protected persons and designated facilities.

Section 59

(1) In the case of the existence of the conditions set forth in the present Act, prosecutors shall be entitled to

- a) a salary,
- b) other remuneration, benefits and allowances.

(2) The prosecutor's salary consists of a basic salary and the supplement determined in the present Act. The position supplement, managerial supplement and title supplement form part of the basic salary in their nature.

(3) The prosecutor's pay base serving as the basis for the calculation of the basic salary and the supplements (hereinafter referred to as the "pay base") shall be determined in the Act on the Central Budget annually, in such a way that the amount thereof may not be lower than that of the year before and shall be equal to the pay base of judges as at any time.

(4) The Prosecutor General shall be entitled to the same salary and other benefits as the President of the Curia. Regardless of his/her actual salary, the Prosecutor General shall also be classified for pay purposes on the basis of the present Act.

21. Basic Salary

Section 60

The basic salaries of prosecutors shall be established on the basis of the service time calculated in accordance with the present Act (hereinafter referred to as "service time"), as the product of the pay base and the multipliers determined for each pay grade in *Annex No. 1* to the present Act. The basic salary calculated for grade purposes is a monthly salary, the grades of which are contained in *Annex No. 1* to the present Act.

Section 61

(1) Prosecutors who do not yet have any service time upon their appointment or whose accepted service time upon their appointment does not exceed three years shall be classified into pay grade 1.

(2) Prosecutors shall proceed one pay grade up on the scale upon the completion of every three years of service time.

(3) The Prosecutor General and Deputy Prosecutor General shall be classified into the highest pay grade, regardless of their service time.

Section 62

(1) Service time shall be calculated as of the day of appointment as prosecutor, except as set forth in Paragraph (2).

(2) Time completed in a prosecution service relationship as a prosecutor and time completed in a service relationship as a judge shall qualify as service time. Time completed prior to appointment as a prosecutor in any other legal relationship or position or activities tied to a legal examination may be accepted as service time partly or in its entirety.

(3) For the purposes of the provisions set forth in Paragraph (2), service time shall be determined in such a way that transfer to the next pay grade shall occur as of the first day of the year.

Section 63

(1) In the case of an evaluation result of excellent, suitable for promotion or excellent and fully eligible, prosecutors may be transferred to one higher pay grade twice during the existence of their prosecution positions. A minimum period of six years shall elapse between two extraordinary pay promotions. In the case of an extraordinary pay promotion, the service time completed in the earlier pay grade shall also be taken into consideration in the new pay grade.

(2) Extraordinary pay promotions shall be effected as of the first day of the given calendar year.

22. Salary Supplements

Section 64

(1) Prosecutors shall be entitled to a position supplement monthly, the amount of which is

a) ten per cent of the pay base in the case of prosecutors working in district prosecution offices,

b) twenty per cent of the pay base in the case of prosecutors working in public prosecution offices,

c) forty per cent of the pay base in the case of prosecutors working in appeals public prosecution offices,

d) sixty per cent of the pay base in the case of prosecutors working in the Office of the Prosecutor General.

(2) In the case of an evaluation result of excellent, suitable for promotion or excellent and fully eligible and upon the completion of minimum six years as prosecutor at the given level of prosecution, including any time completed as prosecutor at a more senior level of prosecution, the following titles may be awarded:

- a) to prosecutors working in district prosecution offices: "Titular public prosecutor",
- b) to prosecutors working in public prosecution offices: "Titular appeals public prosecutor",
- c) to prosecutors working in appeals public prosecution offices: "Titular prosecutor of the Office of the Prosecutor General",
- d) to prosecutors working in the Office of the Prosecutor General: "Counsellor of the Office of the Prosecutor General".

(3) Upon the completion of minimum twenty years of prosecution practice actually conducted at the given level of prosecution, the following titles shall be awarded.

- a) "Titular public prosecutor" to prosecutors working in local prosecution offices,
- b) "Titular appeals public prosecutor" to prosecutors working in public prosecution offices,
- c) "Titular prosecutor of the Office of the Prosecutor General" to prosecutors working in appeals public prosecution offices,
- d) "Counsellor of the Office of the Prosecutor General" to prosecutors working in the Office of the Prosecutor General.

(4) The awarding of the titles determined in Paragraphs (2) and (3) shall result in the payment of a monthly title supplement. The amount of the supplement is

- a) twenty per cent of the pay base upon the awarding of the title "Titular public prosecutor",
- b) thirty per cent of the pay base upon the awarding of the title "Titular appeals public prosecutor",
- c) fifty per cent of the pay base upon the awarding of the title "Titular prosecutor of the Office of the Prosecutor General",
- d) seventy per cent of the pay base upon the awarding of the title "Counsellor of the Office of the Prosecutor General".

Prosecutors receiving a title supplement shall not be entitled to a position supplement.

(5) If a prosecutor is transferred to a junior prosecution office out of prosecution interests, he/she shall continue to remain entitled to his/her former position supplement or title and the supplement resulting from the title, and may also continue to use the position title that corresponds to the level of his/her former service post. Prosecution interests are cases where a prosecutor is appointed as a manager at a junior prosecution office or where a prosecutor is transferred to a junior prosecution office for the reasons mentioned in Section 25 (2) or (4) and Section 36 (1), Points a)–b).

(6) In the case of a temporary assignment at a junior prosecution office, the prosecutor's position supplement shall not change, the prosecutor shall retain his/her title and the supplement resulting from the title and may also continue to use the position title that corresponds to the level of his/her former service post. In the case of a temporary assignment at a senior prosecution office, the prosecutor shall be entitled to a position supplement corresponding to the post of the assignment; the prosecutor shall not be entitled to a title supplement for the duration of his/her temporary assignment.

Section 65

(1) Prosecutors holding managerial positions as determined in *Annex No. 2* shall be entitled to a managerial supplement monthly.

(2) The managerial supplement shall be established in percentage of the pay base as set forth in *Annex No. 2*.

(3) For the purposes of eligibility for a managerial supplement, a large prosecution office is an office where the authorised number of prosecutors, including the subordinated district prosecution offices, exceeds ninety.

(4) For the purposes of eligibility for a managerial supplement, a priority district prosecution office is a district office where the authorised number of prosecutors exceeds twenty, while a large district prosecution office is a district office where the authorised number of prosecutors exceeds five.

(5) A managerial supplement is only due on one of the above grounds, with respect to the higher managerial position.

Section 66

(1) The person exercising the employer's rights may award an extra supplement to a prosecutor 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 prosecution if the prosecutor regularly fulfils spokesperson or instructor duties or other duties related to general operations in addition to his/her job responsibilities forming part of the basic activities of the prosecution office.

(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 67

(1) The person exercising the employer's rights may award a qualification supplement to a prosecutor 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 prosecution 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/her job responsibilities or in the course of the fulfilment of the duties of the prosecution office.

(2) The amount of the qualification supplement may extend from ten per cent to thirty per cent of the pay base.

(3) If the prosecutor receives financial support for the acquisition of qualifications on the basis of a study contract entered into with the employer, he/she 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 68

(1) A prosecutor shall be entitled to a foreign language supplement if he/she uses the foreign language as part of his/her job responsibilities in accordance with the instructions of the person exercising the employer's rights 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.

(3) Monthly rate of the supplement per language certificate:

a) in case of complex advanced language certificate, eight per cent of 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 pay base, in case of oral or written language certificate, two per cent.

(4) Monthly rate of supplement per language certificate for verified knowledge of English, French and German as set forth in Paragraph (1):

a) in case of complex advanced language certificate, twelve per cent of pay base;

b) in case of complex intermediate language certificate, eight per cent of pay base;

c) in case of complex elementary language certificate, two per cent of pay base.

(5) If a prosecutor holds oral or written language certificates in the foreign languages determined in Paragraph (4), he/she shall be entitled to a supplement at the rate determined in Paragraph (3) with respect to complex language certificates.

(6) If a prosecutor 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/she shall be entitled to the higher supplement rate. If a prosecutor holds language certificates of different types but of the same grade, he/she shall not be entitled to a supplement that is higher than the supplement payable for a complex language certificate

(7) If a prosecutor 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/she 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.

23. Other Remuneration, Benefits and Allowances

Section 69

The person exercising the employer's rights may award a bonus to prosecutors rendering outstanding performance or performing high-quality work on a long-term basis.

Section 70

(1) Prosecutors with a prosecution service relationship of twenty-five, thirty, thirty-five and forty years shall be entitled to a jubilee bonus.

(2) The jubilee bonus is an amount that is equal to

- a) two months' salary in the case of a prosecution service relationship of twenty-five years,
- b) three months' salary in the case of a prosecution service relationship of thirty years,
- c) four months' salary in the case of a prosecution service relationship of thirty-five years,
- d) five months' salary in the case of a prosecution service relationship of forty years.

(3) The following shall be paid to prosecutors if their prosecution service relationship is terminated upon their retirement:

- a) the jubilee bonus that may fall due in the year of their retirement;
- b) the jubilee bonus due for thirty years of prosecution service if there are two years or less left of their service relationship making them eligible for a jubilee bonus;
- c) the jubilee bonus due for thirty-five or forty years of prosecution service if there are three years or less left of their service relationship making them eligible for a jubilee bonus.

(4) If a prosecutor received a jubilee bonus in any former employment relationship, he/she shall not be entitled to a bonus of the same grade.

(5) If the prosecution service relationship ceases due to the prosecutor's death, the jubilee bonus shall be paid to his/her heir, subject to the application of the rules set forth in Paragraphs (3) and (4).

Section 71

(1) Prosecutors shall be entitled to the benefits listed in Section 71 (1), Points a)–f) and Paragraph (3) of Act CXVII of 1995 on Personal Income Tax as "cafeteria" 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 Prosecutor General may also determine further optional benefits in an instruction and may increase the optional rates of the individual benefits.

(2) Prosecutors on long-term assignments abroad shall not be entitled to cafeteria benefits, while prosecutors shall not be entitled to cafeteria 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) Prosecutors shall state in writing or by e-mail the types of benefits they request as part of the total amount of the cafeteria benefit by 15 January of the subject year or upon the establishment of their legal relationship. This statement may only be altered subsequently if permitted by the Prosecutor General in an instruction. The Prosecutor General 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 cafeteria benefits due to prosecutors shall be determined by the Prosecutor General, however, it may not be lower than fifty per cent of the pay base and may not be higher than three times the pay base. The annual amount of the cafeteria 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 prosecutor's service relationship is terminated mid-year, the value of any cafeteria 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 legal relationship, or, at the prosecutor'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 cafeteria benefits need not be repaid if the legal relationship ceases due to the prosecutor's death.

Section 72

(1) Housing support may be provided for prosecutors, of the following types, in particular:

- a) provision of housing for relocation to a different residence due to an appointment out of prosecution interests, transfer or temporary assignment against the payment of rent, not including the case of a temporary assignment out of prosecution interests;
- b) support for the acquisition, extension or refurbishment of housing property in the locality or catchment area of the prosecutor'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 prosecution office may be maintained until the cessation of the prosecutor's prosecution service relationship, at the latest.

Section 73

(1) Prosecutors may also be given other benefits, outside the cafeteria system, subject to the funds allocated in the annual budget of prosecution, in particular,

- a) scholarship grants,
- b) training, further training and language learning grants,
- c) social and funeral benefits,
- d) family support,
- e) settlement aid,
- f) pay advance,
- g) voluntary supplementary fund membership support,
- h) financial reward for time completed in prosecution service relationship,
- i) life insurance policy of a savings nature in the case of long-term prosecution service relationship,
- j) commuting benefit;
- k) support for the purchase of automobiles in the form of suretyship or preferential loans.

(2) Retired prosecutors may be awarded monetary benefits and benefits in kind.

(3) The Prosecutor General shall establish the detailed terms and conditions and rates of the benefits mentioned in Paragraphs (1)–(2) in agreement with the employee representative organisations concerned and the National Council of Prosecution Employees.

(4) Prosecutors shall wear official clothing (gowns) in accordance with the instruction issued by the Prosecutor General, the costs of which shall lie with the prosecution budget.

Section 74

(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 prosecutors 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 prosecutors who

a) have a minimum three-year prosecution service relationship or 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,

or

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) The fulfilment of the conditions set forth in Paragraph (2), Points a)–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.

(4) Prosecutors shall verify the fulfilment of the condition set forth in Paragraph (2), Point d) on the basis of an official certificate, while prosecutors shall issue a declaration to the lender credit institution with respect to the fulfilment of the conditions set forth in Paragraph (2), Point e).

(5) Prosecutors 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.

Prosecutors shall, without delay, inform the person exercising the employer's rights of any changes in the above data.

Section 75

(1) If a prosecutor's prosecution service relationship is terminated on the basis of Section 22 (1), Points c), f)–h), j), Section 24 (1), Points b), e)–g), i), Section 34, Points a), c), g)–k), m)–o) or Section 36 (1), Point c), provided that ineligibility is not a consequence of health-related circumstances, the prosecutor 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 prosecutor on the basis of Section 74 (5) in the event of the cessation of the prosecutor's prosecution 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 prosecutor thereof within eight days in writing. The

prosecutor 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 prosecutor fails to meet his/her payment obligation under Paragraph (1), the credit institution shall notify the state tax authority thereof and of the prosecutor's details within eight days.

(5) 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 prosecutors 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.

(6) 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 prosecutor or the prosecutor failed to pay the one-time suretyship fee under Paragraph (1), these debts of the prosecutor shall qualify as public debts towards the Hungarian State which shall be collected by the state tax authority as taxes.

(7) The method of the fulfilment of obligations arising from suretyship shall be determined by the Government in a regulation.

Section 76

(1) Any remuneration due to prosecutors and any other benefits in cash, not including daily allowances, travel and accommodation costs and other allowances as well as the benefits mentioned in Sections 72 and 73, shall be paid by transfer to the payment account designated by the prosecutor, by way of the delivery of cash payments from a money transaction account.

(2) Transfer to the payment account and the withdrawal or disbursement of the amount in one sum may not cause prosecutors extra costs.

Section 77

(1) The provisions set forth in Sections 57 to 76 shall govern prosecutors assigned to the Ministry with regard to the differences set forth in Paragraphs (2) to (4).

(2) Prosecutors shall be entitled to their position supplements in accordance with their former positions. If a prosecutor previously worked at a district prosecution office, he shall be entitled to a position supplement that relates to prosecutors working in public prosecution offices. The term of service completed as a prosecutor at the Ministry shall be regarded as service time completed in a public prosecution office.

(3) Prosecutors working in the position of head of division, deputy head of division or head of department at the Ministry headed by the Minister responsible for justice shall be entitled to managerial supplements as follows:

a) the managerial supplements of heads of divisions and deputy heads of divisions shall be equal to the supplements of public prosecutors and deputy public prosecutors,

b) the managerial supplements of heads of departments shall be equal to the supplements of prosecutors heading large district prosecution offices.

(4) The Prosecutor General shall be entitled to promote prosecutors on an extraordinary basis and to grant titles, based on the recommendation of the Minister responsible for justice in the case of prosecutors assigned to the Ministry.

Section 78

(1) Based on the Prosecutor General's decision, prosecutors on long-term assignments abroad shall be entitled to the reimbursement of any costs incurred in connection with their service abroad that are not covered or borne by the relevant international organisation or the European Union over and above the remuneration due under the present Act.

(2) The term of long-term assignments abroad shall be regarded as time completed at the service post stated in the appointment.

Chapter IX Rest Period

Section 79

(1) The basic leave of prosecutors falling into pay grade 1 is thirty working days annually. As of pay grade 2, the basic leave shall increase by a number of days that corresponds to the pay grade.

(2) As of the completion of the age of fifty years, prosecutors shall be entitled to forty working days annually as basic leave, regardless of their pay grade.

(3) Prosecutors in senior and managerial positions shall be entitled to an additional leave of five working days. The total of the basic leave and the additional managerial leave may not exceed forty working days annually.

(4) Over and above the leave determined in Paragraphs (1)–(3), prosecutors shall also be entitled to the extra leave determined in the Labour Code.

(5) Prosecutors shall be entitled to the remuneration set forth in the Labour Code for the duration of the leave determined in Paragraphs (1)–(4).

(6) Prosecutors shall be entitled to a break during the working hours, a rest period between the conclusion of the daily work and the commencement of work on the following day, days of rest and bank holidays, sick leave, in accordance with the rules of the Labour Code, and other working time reductions.

(7) The person exercising the employer's rights may authorise a prosecutor to take unpaid leave even in instances when it is not prescribed on a mandatory basis in the Labour Code.

Section 80

The 10th of June of every year as Prosecution Day, which commemorates the promulgation of the first Hungarian prosecution law, Act XXXIII of 1871, shall qualify as a bank holiday for prosecution employees.

Chapter X Disciplinary Liability

Section 81

The provisions of the present Chapter shall govern the disciplinary liability of prosecutors appointed by the Prosecutor General.

Section 82

(1) A prosecutor who
a) culpably violates his/her official obligations or
b) curtails or jeopardises the prestige of his/her profession with his lifestyle or conduct
commits a disciplinary breach.

(2) Military prosecutors shall owe liability for any disciplinary violation committed through conduct unworthy of an officer in accordance with the legal rules relating to the professional members of the armed forces, provided that it does not qualify as a disciplinary breach under Paragraph (1).

(3) If the disciplinary breach is minor, the person exercising disciplinary powers may dispense with the institution of disciplinary proceedings and the imposition of a disciplinary sanction. The person exercising disciplinary powers may in this case serve a written warning on the prosecutor. An appeal lies against the warning in accordance with the rules relating to disciplinary decisions if the prosecutor disputes the commission of the breach.

(4) Prosecutors may request the commission of an oral warning to writing which may be appealed against as set forth in Paragraph (3).

(5) Disciplinary proceedings shall be conducted if criminal proceedings have been instituted against a prosecutor due to a wilful crime, not including proceedings instituted on the basis of private prosecution or a charge laid on the basis of supplementary private prosecution.

Section 83

(1) No disciplinary proceedings may be instituted if three months have elapsed since the discovery of the disciplinary breach or three years have elapsed since the commission of the disciplinary breach. A disciplinary breach may be regarded as discovered when the breach and the identity of the person reasonably suspected of the commission thereof come to the attention of the person exercising disciplinary powers or his superior.

(2) If criminal or contravention proceedings were instituted due to a prosecutor's conduct constituting a disciplinary breach and the proceedings were closed with a decision establishing the prosecutor's liability, no disciplinary proceedings may be instituted beyond a period of three months reckoned from the service of the final and absolute decision on the employer or, if the proceedings were concluded beyond the time limit of three years mentioned in Paragraph (1), beyond a period of one year reckoned from the conclusion of the proceedings on a final and absolute basis.

Section 84

(1) Disciplinary sanctions that may be imposed on prosecutors:

- a) reprimand;
- b) censure;
- c) revocation of formal acknowledgement awarded by the Prosecutor General, including a title;
- d) demotion by one pay grade;
- e) demotion to a lower position or exemption from managerial position;
- f) forfeiture of office.

(2) The revocation of formal acknowledgement may also be imposed in combination with the disciplinary sanctions defined in Paragraph (1), Points d)–f).

(3) A prosecutor may only be demoted to a lower position that corresponds to his/her qualifications and such demotion may be imposed both for a fixed term and for an indefinite term. In the case of demotion to a lower position, the prosecutor may also be transferred to another service post in the locality of his/her service post or residence.

(4) Upon the imposition of disciplinary sanctions, the gravity, consequences and degree of culpability of the breach shall be taken into consideration.

Section 85

(1) Disciplinary powers shall be exercised by

- a) the Prosecutor General in respect of senior prosecutors, not including a head of department prosecutor coming under the divisional structure of the Office of the Prosecutor General;
- b) the Deputy Prosecutor General in respect of the prosecutors serving at his/her secretariat;
- c) head of division prosecutor in respect of the prosecutors of the division under his/her supervision not mentioned in Point a);
- d) head of department prosecutor at the Office of the Prosecutor General not coming under the divisional structure in respect of the prosecutors of the department under his/her supervision;
- e) appeals public prosecutor in respect of the prosecutors of the appeals public prosecution office under his/her supervision not mentioned in Point a);
- f) public prosecutor in respect of the prosecutors of the public prosecution office under his/her supervision not mentioned in Point a) and the prosecutors of the district prosecution offices subordinated to the public prosecution office.

(2) Also in the cases mentioned in Paragraph (1), Points b)–f), only the Prosecutor General shall be entitled to impose the disciplinary sanctions determined in Section 84 (1), Points c) to f).

(3) The Prosecutor General may withdraw the exercise of the relevant disciplinary powers within his/her own competence in the cases mentioned in Paragraph (1), Points b) to f).

Section 86

(1) Disciplinary proceedings shall be ordered by the person exercising disciplinary powers as mentioned in Section 85 (1) in a justified, written order. The decision shall be served upon the prosecutor subjected to the disciplinary proceedings. No appeal lies against the decision.

(2) The disciplinary proceedings shall be completed within thirty days. This time limit may be extended on one occasion, by thirty days.

(3) The disciplinary proceedings may be suspended if criminal or contravention proceedings were also instituted in the case or if necessary to obtain an expert opinion.

(4) The disciplinary proceedings shall be resumed if the circumstances giving rise to suspension ceased. The term of such suspension shall not be included in the time limit available for the completion of the disciplinary proceedings.

Section 87

(1) The person exercising disciplinary powers shall suspend the prosecutor subjected to disciplinary proceedings from his/her job if the prosecutor 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. The Prosecutor General may also order suspension if the prosecutor is under the effect of criminal proceedings, not including proceedings instituted on the basis of private prosecution or a charge laid on the basis of supplementary private prosecution, and further if the prosecutor's presence were to hinder the clarification of the facts of the case or the gravity and nature of the disciplinary breach warrant his absence from his/her service post. The prosecutor subjected to the proceedings and his/her counsel may submit an appeal against the decision regarding suspension within eight days of the service of the decision in accordance with the rules relating to disciplinary decisions. The appeal has no delaying effect.

(2) Suspension of the prosecutor from his/her job shall be terminated if the circumstances giving rise thereto no longer exist.

(3) The prosecutor shall be entitled to a salary of an amount that is equal to the total of his/her basic salary and regular supplements for the duration of suspension. Fifty per cent of this amount may be withheld until the termination of suspension. The full amount shall be withheld as of the service of a disciplinary decision imposing the sanction of forfeiture of office until the date at which the decision becomes final and absolute. No appeal lies against the withholding of the salary.

(4) No salary shall be due for the term of the prosecutor's suspension during which the prosecutor would not have been entitled to a salary even if his/her job had not been suspended.

(5) Any withheld salary shall be paid after the disciplinary decision becomes final and absolute unless the disciplinary proceedings were closed with the imposition of the sanction of forfeiture of office or the prosecutor's prosecution service relationship ceased on the basis of Section 34 (1), Point *i*). The same procedure shall be followed if the prosecutor's prosecution service relationship had in the interim been terminated. If the prosecutor's salary was reduced as a consequence of the disciplinary sanction, the withheld amount shall be paid on the basis of the new salary.

Section 88

(1) The person exercising disciplinary powers shall clarify all circumstances necessary for the establishment of the facts of the case. To this end, he/she shall hear the prosecutor subjected to the proceedings, may hear witnesses, may use the services of experts and may conduct other evidence proceedings.

(2) The person exercising disciplinary powers may engage a disciplinary commissioner to investigate the disciplinary breach. However, in this case, too, he/she shall hear the prosecutor subjected to the proceedings. A prosecution employee coming under the supervision of the prosecutor subjected to the proceedings may not act as disciplinary commissioner.

Section 89

A prosecutor subjected to disciplinary proceedings may engage a prosecutor or defence attorney holding a less senior position than the person exercising disciplinary powers to represent him/her. At the prosecutor's request, the employee representative organisation operating at the prosecution office shall be allowed to participate in the disciplinary proceedings and/or to exercise its right of representation.

Section 90

(1) The hearing of the prosecutor subjected to the proceedings shall be scheduled in a way that enables his/her counsel and/or the person proceeding on behalf of the representative organisation to attend. At the hearing, the prosecutor and his/her counsel and/or the person proceeding on behalf of the representative organisation shall be informed of the data relating to the commission of the disciplinary breach, shall be presented with the relevant evidence and shall be permitted to view the documents of the case and to present the prosecutor's defence and motion of evidence.

(2) If the prosecutor subjected to the proceedings cannot be heard during the proceedings due to his/her long-term inability to attend, the findings related to the commission of the disciplinary breach and the evidence thereof shall be disclosed to him/her in writing, and the prosecutor shall be called upon to present his/her defence within eight days. If the prosecutor is unable to present his/her defence for fair reasons in this manner, the proceedings shall be suspended until the removal of the relevant obstacle. Suspended proceedings shall be governed by the provisions set forth in Section 86 (4).

(3) It constitutes no obstacle to the adoption of a disciplinary decision if the prosecutor subjected to the proceedings fails to appear at the hearing without good reason or fails to present his/her written defence within the stated deadline.

Section 91

(1) Minutes shall be taken of the substantiation conducted during the disciplinary proceedings and the hearing of the prosecutor.

(2) The prosecutor subjected to the proceedings and his/her counsel may view the documents of the disciplinary case and may make copies and notes thereof.

Section 92

(1) A person who is a relative of the prosecutor subjected to the proceedings [Section 155 (1)] or who cannot be expected to participate in the proceedings impartially may not act as the person exercising disciplinary powers, disciplinary commissioner or keeper of the minutes.

(2) An objection on the grounds of bias may be filed by the prosecutor subjected to the proceedings, his/her counsel or the person proceeding on behalf of the representative organisation.

(3) An objection filed on the grounds of bias against the Prosecutor General as the person exercising disciplinary powers shall be assessed by the Prosecutor General himself, while an objection filed on the grounds of bias against any other person with disciplinary powers shall be assessed by the relevant superior. If the Prosecutor General or the relevant superior grants the objection filed on the grounds of bias, the disciplinary proceedings shall be conducted by

- a) the Deputy Prosecutor General instead of the Prosecutor General,
- b) the relevant superior instead of such other person with disciplinary powers,

who shall adopt a decision on the disciplinary case.

(4) An objection filed on the grounds of bias against the disciplinary commissioner or the keeper of the minutes shall be assessed by the person exercising disciplinary powers. If he/she grants the objection filed on the grounds of bias, he/she shall appoint another disciplinary commissioner or keeper of the minutes.

(5) No separate appeal lies against the result of the assessment of an objection filed on the grounds of bias.

Section 93

(1) In his decision, the person exercising disciplinary powers shall pronounce the prosecutor subjected to the disciplinary proceedings guilty of the disciplinary breach and shall impose a sanction or shall dispense with the imposition of a disciplinary sanction on the basis of Section 82 (3) and shall issue a warning. The disciplinary proceedings shall be terminated if the prosecution service relationship of the prosecutor subjected to the proceedings ceased prior to the communication of the decision and further if it is established that the prosecutor subjected to the proceedings did not commit the disciplinary breach he/she stands accused of or the commission thereof cannot be proved or the disciplinary breach expired.

(2) If a criminal court already established the prosecutor's liability for the breach investigated in the disciplinary proceedings, the person exercising disciplinary powers cannot establish that the prosecutor subjected to the proceedings did not commit the disciplinary breach he/she stands accused of.

(3) In the event of the disciplinary sanction of forfeiture of office, the prosecutor's suspension from his/her job shall be upheld or ordered. In the event of the imposition of any other disciplinary sanction, suspension shall be terminated.

Section 94

(1) The prosecutor subjected to the proceedings and his/her counsel may submit an objection to the Prosecutor General against a disciplinary decision adopted by the Deputy Prosecutor General, a head of division prosecutor, a head of department prosecutor at the Office of the Prosecutor General not coming under the divisional structure, an appeals public prosecutor or a public prosecutor within fifteen days of the service of the decision.

(2) The Prosecutor General shall refuse or grant the objection and shall alter the decision partially or in its entirety in the prosecutor's favour or shall repeal the decision if unfounded and shall instruct the person exercising disciplinary powers to conduct new proceedings and to adopt a new decision. The new proceedings shall be governed by the deadlines determined in Section 86 (2) and the rules of disciplinary proceedings.

(3) The prosecutor subjected to the proceedings and his/her counsel may turn to a court against the Prosecutor General's decision within fifteen days of the service of the decision.

Section 95

(1) A disciplinary decision may not be executed until the assessment of the appeal submitted against it on a final and absolute basis. If, however, the prosecutor terminates his/her

prosecution service relationship prior to the final and absolute entry into force of the disciplinary decision, the decision may be executed with immediate effect.

(2) A disciplinary decision imposing the sanction of forfeiture of office may not be executed during the term of maternity leave.

Section 96

(1) In the case of the disciplinary sanction of forfeiture of office, the prosecutor shall remain under the effect of the disciplinary sanction for three years; in the case of the disciplinary sanction of exemption from a managerial office, demotion, downgrading by one pay grade or the revocation of official acknowledgement, the prosecutor shall remain under the effect of the disciplinary sanction for two years, while in the case of a censure, the prosecutor shall remain under the effect of the disciplinary sanction for one year. If another disciplinary sanction is imposed on the prosecutor on a final and absolute basis prior to the expiry of the effect of the previous sanction, the effect of the sanction shall be extended by the term prescribed with respect to the new sanction. Prosecutors shall give an account of any disciplinary sanctions in force. If the prosecution service relationship ceased due to the forfeiture of office, no new prosecution service relationship may be entered into with the former prosecutor during the term of the sanction.

(2) A prosecutor under the effect of a disciplinary sanction

- a) may not be promoted,
- b) may not be appointed to a managerial position,
- c) may not be transferred to a higher pay grade,
- d) may not be awarded the titles determined in the present Act.

(3) Upon the expiry of the term determined in Paragraph (1), the disciplinary sanction shall be erased from all records.

(4) On request, the person exercising disciplinary powers and entitled to impose disciplinary sanctions may exempt a prosecutor considered worthy thereof from under the effect of a disciplinary sanction if one half of the temporal effect of the sanction has elapsed, provided that no further disciplinary sanction has been imposed on the prosecutor.

(5) Promotion to a higher pay grade deferred due to the effect of a disciplinary sanction shall fall due at the time of exemption. The date of the next pay promotion shall be reckoned from the original date by disregarding the suspension due to the effect of the disciplinary sanction.

Section 97

(1) The prosecutor subjected to the proceedings and his/her counsel may initiate new proceedings against a final and absolute disciplinary decision not assessed by a court within six months of the decision becoming final and absolute if he/she refers to a fact or evidence or final and absolute decision which was not assessed earlier, provided that the assessment thereof would have resulted in a decision more in his/her favour.

(2) The new proceedings shall be initiated with the person exercising disciplinary powers who was entitled to adopt the injurious decision. Appeal shall lie against a decision refusing the application in accordance with the rules relating to disciplinary decisions. The proceedings shall be duly governed by the rules of disciplinary proceedings.

(3) If the circumstance giving rise to the initiation of new proceedings only came to the prosecutor's attention after a period of six months or the prosecutor was only later in a position to initiate new proceedings, the relevant time limit shall be reckoned from this date. No new proceedings may be initiated after the passage of a period of three years reckoned from the date at which the contested decision became final and absolute.

(4) A senior prosecutor or a prosecutor in a managerial position as well as any other prosecutor in the event of the initiation of new proceedings beyond a period of six months may not demand his/her continued employment in the original position or at the original service post and may not lay a claim for his/her salary for more than six months.

(5) A prosecutor may demand an amount that is double the severance pay otherwise due in the event of exemption instead of the restoration of his prosecution service relationship.

Section 98

In the course of new proceedings brought against a final and absolute decision adopted by a court in a disciplinary case, the provisions set forth in Section 97 (4) and (5) shall also govern.

Section 99

The prosecution office shall cover any justified costs related to disciplinary proceedings. If, however, the prosecutor's disciplinary liability was established on a final and absolute basis, the prosecutor shall reimburse the costs of the procedural actions proposed by him as well as the costs of representation.

Chapter XI Liability for Compensation

Section 100

(1) Prosecutors shall owe liability for compensation for any loss or damage caused through the culpable violation of their obligations arising from their prosecution service relationships.

(2) The employer shall prove the prosecutor's culpability, the emergence and extent of the loss or damage and the causal relationship between the two.

Section 101

(1) In the case of a loss or damage caused through negligence, the extent of the compensation may not exceed fifty per cent of the prosecutor's one-month salary, except in the cases set forth in Paragraph (2).

(2) In the case of a loss or damage caused through negligence, the prosecutor shall be liable for up to his three-month salary if

a) he caused such loss through gross negligence or failure to meet the obligation of verification or the inappropriate fulfilment thereof;

b) the loss emerged through the execution of his/her instruction contrary to the rules of law, in respect of which the instructed prosecutor drew his/her attention to the consequences.

Section 102

In the event of a loss caused wilfully, the prosecutor shall reimburse the entirety of the loss.

Section 103

The provisions of the Labour Code shall duly govern:

- a) liability for shrinkage in items taken delivery of subject to the obligation of returning or settlement and any inventory shrinkage;
- b) liability for a loss emerging through damage caused to items taken into custody;
- c) liability for losses caused collectively;
- d) the quantification of losses.

Section 104

(1) The Deputy Prosecutor General's liability for compensation shall be established by the Prosecutor General, while the liability for compensation of other prosecutors shall be established in a compensation decision by the person with disciplinary powers.

(2) The establishment of liability for compensation and appeal against compensation decisions shall be duly governed by the rules of disciplinary proceedings subject to the following differences:

- a) a compensation decision may be adopted within the period of limitation;
- b) the Deputy Prosecutor General may turn directly to a court against a compensation decision adopted with respect to his person within fifteen days of the communication thereof.

(3) If the prosecutor's prosecution service relationship ceased prior to the communication of the compensation decision, the employer may enforce its claim for compensation against the loss caused before a court.

Section 105

The liability for compensation of a prosecution office towards prosecutors in connection with their prosecution service relationships and the procedure for the enforcement of claims for compensation shall be duly governed by the rules of the Labour Code relating to the employer's liability for compensation.

Chapter XII Legal Disputes

Section 106

(1) A prosecutor may initiate a legal dispute in the interest of the enforcement of his/her claim arising from his/her prosecution service relationship as well as due to a measure implemented by the person exercising the employer's rights or the non-implementation of a measure. Legal disputes shall be governed by the rules of the Labour Code relating to labour disputes subject to the differences determined in the present Act.

(2) No legal dispute may be initiated:

a) due to a measure of Parliament related to the termination of the Prosecutor General's mandate or a measure of the President of the Republic related to the termination of the Deputy Prosecutor General's mandate;

b) due to a decision falling within the deliberation of the person exercising the employer's rights or failure to adopt such a decision unless the person exercising the employer's rights violated the rules governing the adoption of his/her decisions;

c) if excluded by the present Act.

Chapter XIII Personal Records

Section 107

(1) The employer may manage and control the data of prosecutors determined in *Annex No. 3* for the establishment of the rights and obligations arising from their prosecution service relationships as well as the data contained in the documents referred to in Paragraph (4).

(2) From among the data items concerning prosecutors, the employer may disclose information out of public interest, without the prosecutor's consent, with respect to the prosecutor's name, service post and position and, if permitted by a rule of law, any other data.

(3) The personal records may not be linked to any other data system.

(4) From among the documents related to the prosecution service relationships of prosecutors, the personal data form, the documents necessary for appointment, the official certificate issued by the criminal records agency, the opinion drafted on the basis of the career eligibility test, the curriculum vitae, the photograph, the deed of appointment (engagement), any amendment thereto, the oath document, the documents regarding classification, transfers, temporary assignments and decorations and awards (official recognition), data relating to any organised mandatory and optional training courses, the documents verifying attendance of such training courses, the qualifications obtained, any decision imposing a disciplinary sanction in force and the document terminating the prosecution service relationship shall be stored in a single file.

(5) The data items determined in *Annex No. 3* and those contained in the documents referred to in Paragraph (4) may be recorded in the personal data form.

(6) The central duties related to the personal records shall be fulfilled by the Office of the Prosecutor General, while the local duties shall be fulfilled by the appeals public prosecution office or public prosecution office at the prosecutor's service post. The data of prosecutors assigned to the Ministry shall be recorded at the Ministry.

(7) The personal records, including the documents referred to in Paragraph (4), shall be kept for a period of fifty years following the cessation of the prosecutor's prosecution service relationship, except as set forth in Section 49 (4).

Section 108

(1) The personal records kept of the prosecutor, including the documents referred to in Section 107 (4), may be viewed by:

a) the prosecutor;

b) the prosecutor's superiors;

- c) the prosecution employees engaged to fulfil responsibilities related to human resources and training;
- d) any other person authorised in the present Act or by the prosecutor.

(2) Prosecutors shall be entitled to request the correction of any incorrect data in the records and the erasure of data recorded unlawfully as well as to refuse the disclosure of data requested unlawfully. The employer shall, without delay, correct or erase any incorrect data.

(3) Prosecutors shall, without delay, report any changes in the data recorded to the person exercising the employer's rights in writing.

Chapter XIV Prosecution Service Relationships of Deputy Prosecutors and Prosecution Draftspersons

Section 109

(1) Enfranchised Hungarian citizens with full acting capacity who hold a university degree in law may be appointed as prosecution draftspersons. A further condition of appointment as a military prosecution draftsperson is that the person to be appointed is an officer of the Hungarian Defence Force.

(2) A further condition of appointment as a deputy prosecutor, in addition to those determined in Paragraph (1), is that the person to be appointed shall have three years' legal experience and shall have passed the relevant legal examination as set forth in a separate legal rule.

Section 110

(1) Deputy prosecutors and prosecution draftspersons shall be appointed for an indefinite term and exempted by the Prosecutor General.

(2) In departure from Paragraph (1), a prosecution service relationship may also be established for a fixed term for the purpose of deputisation or the fulfilment of a specific assignment or for any other purpose for maximum one year.

(3) Deputy prosecutors and prosecution draftspersons shall commence their operation after taking an oath. 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 shall proceed in matters falling within my competence without bias, conscientiously, solely in accordance with the rules of law; I shall fulfil my official duties accurately and conscientiously.”

(4) In taking the oath under Paragraph (3), the title of the office stated in the text of the oath set forth in Act XXVII of 2008 on the Oath and Pledge of Certain Public Law Officials is deputy prosecutor or prosecution draftsperson depending on the oath-taker's office.

Section 111

The temporary assignments of deputy prosecutors and prosecution draftspersons shall be duly governed by the rules relating to the temporary assignments of prosecutors, subject to

the difference that the amount of the daily allowance in the case of their temporary assignments shall be established pursuant to Section 113.

Section 112

(1) Prosecution draftspersons shall be assessed prior to their appointment as deputy prosecutors. Deputy prosecutors shall be assessed by the expiry of the fixed term of their appointment, while in the case of an appointment for an indefinite term, before the end of a period of three years following their appointment, and every eight years thereafter, not including the last six years preceding entitlement to an old-age pension, as well as within two weeks of the submission of an application for the office of prosecutor, provided that a period of six months has elapsed since the previous assessment.

(2) The assessment of deputy prosecutors and prosecution draftspersons shall in other respects be duly governed by Section 50 (2)-(6) and Sections 51 and 52.

Section 113

(1) In the case of an assignment in Hungary in excess of six hours, deputy prosecutors and prosecution draftspersons shall be entitled to ten per cent of the part of the 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.

(2) The assignments in Hungary of deputy prosecutors and prosecution draftspersons shall in other respects be governed by the provisions of Section 57 (2)-(4).

Section 114

(1) The salaries of deputy prosecutors and prosecution draftspersons shall consist of a basic salary and the supplement determined in the present Act. The pay base as at any time shall serve as the basis for the establishment of their salaries. The basic salary may not be less than the amount of the mandatory minimum wage.

(2) The salaries of deputy prosecutors and prosecution draftspersons shall be determined through classification into the appropriate pay category and the appropriate pay grade. In each pay category, multipliers ascending in proportion to the pay base are attached to the higher pay grades.

(3) *Annex No. 4* contains the pay categories and pay grades in the case of deputy prosecutors and prosecution draftspersons.

(4) Deputy prosecutors shall be classified into pay category I.

(5) Prosecution draftspersons shall be classified into pay category II and, subject to the grade of their university law degrees, into one of pay grades 1 to 3.

Section 115

(1) The pay grades of deputy prosecutors shall be determined on the basis of the service time calculated in accordance with the provisions set forth in Paragraphs (2)-(5).

(2) Except as set forth in Paragraphs (3)-(4), service time shall be calculated as of the day of appointment (employment), with the proviso that the initial year (fraction year) shall be taken into consideration as a full year.

(3) Time completed in a judicial service relationship as a court secretary shall be taken into consideration as service time.

(4) Time completed prior to the appointment in a position tied to a legal qualification after the passage of the relevant legal examination may be taken into consideration as service time partially or in its entirety.

(5) For the purposes of the provisions set forth in Paragraphs (3)–(4), the eligible service time shall be determined in such a way that promotion to the next pay grade shall occur as of the first day of the calendar year. In the case of the calculation of the eligible service time under Paragraph (4), the correct pay ratios shall also be taken into consideration.

Section 116

The employer may raise the basic salaries of deputy prosecutors and prosecution draftspersons for a fixed or indefinite term, with regard to the standard of their work, by maximum thirty per cent 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 prosecution, or may determine their salaries at a rate reduced by maximum twenty per cent.

Section 117

(1) Prosecution draftspersons may be promoted to one higher pay grade after minimum one year's legal practice on the basis of their outstanding work contribution and results in the practice of law.

(2) In the case of an outstanding work contribution, deputy prosecutors may, on one occasion, be promoted to one higher pay grade on an extraordinary basis.

(3) The promotion under Paragraphs (1)–(2) shall be effected as of the first day of the calendar year and any service time completed in the earlier pay grade shall also be taken into consideration in the new pay grade.

(4) In the case of an outstanding work contribution and after minimum ten years completed in a prosecution service relationship, a deputy prosecutor may be awarded the title "chief counsellor".

(5) The title shall involve 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.

Section 118

(1) The basic salary of a deputy prosecutor may not be less than the basic salary attained with the agencies determined in Section 19 (1) of GOA, increased by any pay supplement, of a government official with the same service time reckoned from the beginning of his prosecution service relationship. If the deputy prosecutor was engaged in a prosecution service relationship also before the attainment of hi/her law degree, any such time shall be disregarded for comparative purposes.

(2) The basic salary of a prosecution draftsperson may not be less than the basic salary attained at a county government office, increased by any pay supplement, of a government official with the same service time reckoned from the beginning of his/her appointment as a draftsperson.

(3) Any salary difference calculated pursuant to Paragraphs (1)–(2) shall be paid as a career difference.

Section 119

Deputy prosecutors and prosecution draftspersons shall also be duly governed by the provisions of Sections 67 to 76.

Section 120

(1) The basic leave of deputy prosecutors is twenty-eight working days annually, while the basic leave of prosecution draftspersons is twenty-seven working days annually.

(2) In the case of a deputy prosecutor falling into pay grade 2, the basic leave shall increase by one working day and by one further working day upon the attainment of the next pay grades.

(3) The basic leave of a prosecution draftspersons promoted to a higher pay grade shall be increased by one working day.

(4) The leave and other rest periods of deputy prosecutors and prosecution draftspersons shall in other respects be duly governed by the provisions relating to the leave and rest periods of prosecutors, except as set forth in Section 79 (1)–(3).

Section 121

(1) In matters not regulated in the present Chapter, the prosecution service relationships of deputy prosecutors and prosecution draftspersons shall be duly governed by the provisions of the present Act applicable to the prosecution service relationships of prosecutors appointed by the Prosecutor General, except as set forth in Paragraphs (2)–(5).

(2) The following provisions of the present Act are not applicable to the prosecution service relationships of deputy prosecutors and prosecution draftspersons: Sections 6–10, Section 11 (1)–(3), Sections 13–14, Section 17, Sections 28–32, Section 34 d) and m), Section 54, Section 58, Sections 60–66 and, in the case of prosecution draftspersons, Section 12.

(3) The prosecution service relationships of deputy prosecutors and prosecution draftspersons shall also cease upon the completion of the age of seventy years and if any of the conditions set forth in Section 109 (1) no longer exists. The Prosecutor General may also terminate the prosecution service relationship through exemption if the deputy prosecutor or prosecution draftsperson qualifies as a pensioner.

(4) The provisions set forth in Section 36 (6)–(7) are also applicable in the case of deputy prosecutors and prosecution draftspersons eligible for an old-age pension.

(5) The prosecution service relationships of deputy prosecutors and prosecution draftspersons shall also cease upon the expiry of a fixed term. A prosecution service relationship established for a fixed term may be terminated through exemption also in the absence of the conditions set forth in Section 36 (1)–(4) if the employer pays the deputy prosecutor or prosecution draftsperson his/her average pay falling on the remaining term of the fixed term but maximum one year in advance.

Chapter XV Prosecution Service Relationships of Officials, Clerks and Blue-Collar Employees

Section 122

(1) Enfranchised Hungarian citizens with full acting capacity holding minimum secondary school qualifications may be appointed as officials. Prosecution agents with relevant tertiary qualifications who exercise prosecution part powers with independent liability, under the supervision of a prosecutor, shall also qualify as officials.

(2) The following persons may be appointed as clerks or blue-collar employees:

a) Hungarian citizens or persons entitled to free movement and residence under the Act on the Entry into and Residence in Hungary of Persons Entitled to Free Movement and Residence (hereinafter referred to as „FMRA”), or

b) the family members of the persons referred to in Paragraph a) as defined in FMRA

if they have Hungarian language skills sufficient for the fulfilment of their job responsibilities and have minimum elementary education. Only Hungarian citizens may fill important and confidential prosecution positions.

(3) The following persons may not be appointed as officials, clerks or blue-collar employees:

a) persons with a criminal record,

b) persons under the effect of prohibition from engagement in an occupation corresponding to or forming part of the job responsibilities to be fulfilled,

c) persons who have violated their obligation of making a financial disclosure statement regulated in a separate rule of law.

(4) In addition to the persons mentioned in Paragraph (3), persons who fail to satisfy the conditions set forth in Section 11 (4), a)–f) may not be appointed as prosecution agents.

(5) A rule of law or the Prosecutor General may tie an appointment to specific education, qualifications or experience in addition to the conditions determined in Paragraphs (1)–(4).

(6) The Prosecutor General may determine job description titles for officials, clerks and blue-collar employees and may also prescribe an examination obligation as necessary for the fulfilment of job responsibilities with respect to knowledge specific to work in prosecution.

Section 123

(1) The prosecution service relationships of officials, clerks and blue-collar employees shall come into being for an indefinite term through appointment and the acceptance thereof, except as set forth in Paragraph (2).

(2) In departure from Paragraph (1), a prosecution service relationship may also be established for a fixed term for the purpose of deputation or the fulfilment of a specific assignment or for any other purpose for maximum one year. The appointment of a person qualifying as a pensioner may also be valid for a different fixed term. A person who has been granted deferral with respect to the acquisition of a qualification necessary for his/her job shall be appointed for a fixed term.

Section 124

(1) Upon the appointment of officials, clerks and blue-collar employees, simultaneously with the establishment of the prosecution service relationship, a probation period may also be stipulated. The probation period may be maximum six months and may not be extended.

(2) Either party may terminate the prosecution service relationship with immediate effect during the probation period without stating their reasons.

(3) No probation period may be stipulated if a managerial appointment is also given at the time of the establishment of the prosecution service relationship.

Section 125

(1) Officials and clerks shall take an oath before the person exercising the employer's rights within eight working days of their appointment. If an official or clerk is prevented from taking an oath, the time limit shall be reckoned as of the removal of the relevant obstacle. If an official or clerk fails to take an oath upon the passage of three months reckoned from his/her appointment, his/her prosecution service relationship shall cease.

(2) The text of the oath is as follows:

„I shall proceed in matters falling within my competence without bias, conscientiously, solely in accordance with the rules of law; I shall fulfil my official duties accurately and conscientiously.”

(3) In taking the oath under Paragraph (2), the title of the office stated in the text of the oath set forth in Act XXVII of 2008 on the Oath and Pledge of Certain Public Law Officials is official or clerk depending on the oath-taker's office.

(3) In departure from Paragraph (2), non-Hungarian citizens shall take an oath without reference to a country.

Section 126

The person exercising the employer's rights may invite job applications for the fulfilment of the positions of officials. Applications shall in other respects be duly governed by the provisions of the present Act relating to the applications of prosecutors.

Section 127

(1) In consultation with the employee council, an official may also be appointed as head of an organisational unit functioning separately from the viewpoint of division of labour. Managerial appointments shall be made for an indefinite term.

(2) Senior officials: director general for finances, Director and Deputy Director of NIC, head of division, deputy head of division and head of department not coming under the divisional structure of the Office of the Prosecutor General.

(3) Officials in managerial positions: head of department, deputy head of department, head of task force and office manager.

Section 128

(1) The managerial appointment of an official may at any time be revoked without justification.

(2) Upon the revocation of an appointment, the manager shall be transferred to another position in the capacity of official in a prosecution office at the level corresponding or inferior to his managerial position, at his discretion, in the locality of his/her service post or his/her service post prior to his managerial appointment, provided that the manager consents thereto.

(3) In the absence of a consent to the transfer, the provisions set forth in Section 25 (3) shall duly govern.

(4) A senior official may resign his office at three month's notice, while an official in a managerial position may resign his/her office at two months' notice; the parties may also agree on a shorter period. In the case of resignation, the person exercising the employer's rights shall transfer the manager, provided that he consents thereto, to another, if possible, identical managerial position in the capacity of official in the locality of his/her service post or his/her service post prior to his/her managerial appointment. If the manager does not consent to his/her transfer, it shall be construed as the cessation of his/her prosecution service relationship through resignation on the day of the expiry of the resignation period.

Section 129

The temporary assignments of officials, clerks and blue-collar employees shall be duly governed by the rules relating to the temporary assignments of prosecutors, subject to the difference that the amount of the daily allowance for the event of such temporary assignments shall be determined pursuant to Section 134.

Section 130

(1) The prosecution service relationship of an official, clerk or blue-collar employee shall cease:

- a) by the mutual agreement of the parties;
- b) through exemption;
- c) through resignation;
- d) with immediate effect during the probation period;
- e) upon the expiry of a fixed term;
- f) through extraordinary resignation;
- g) upon the establishment of a conflict of interests;
- h) through dismissal on the basis of a final and absolute disciplinary decision imposing a disciplinary sanction;
- i) on the basis of the final and absolute decision of a court imposing an actual prison sentence and further if forced medical treatment was ordered in criminal proceedings;
- j) upon death;
- k) by virtue of the violation of the obligation of taking an oath;
- l) by virtue of the violation of the obligation of making a financial disclosure statement as set forth in a separate rule of law.

(2) In addition to the instances mentioned in Paragraph (1), the prosecution service relationships of clerks and blue-collar employees shall also cease if they fail to satisfy the condition determined in Section 122 (2).

(3) In addition to the instances mentioned in Paragraph (1), the prosecution service relationships of officials shall also cease if any of the conditions determined in Section 122 (1) no longer exists.

(4) In addition to the instances mentioned in Paragraphs (1) and (3), the prosecution service relationships of prosecution agents shall cease by virtue of the final and absolute decision of a court imposing a suspended prison sentence or public work due to the commission of a wilful crime.

(5) Mutual agreement, exemption, resignation, extraordinary resignation, the termination of a prosecution service relationship valid for a fixed term, except as set forth in Section 17, severance pay and the unlawful termination of a prosecution service relationship shall be duly governed by the provisions of the present Act applicable to prosecutors, subject to the difference that

- a) the prosecution service relationships of officials, clerks and blue-collar employees
 - aa) may also be terminated through exemption if they qualify as pensioners,
 - ab) in the case of officials, clerks and blue-collar employees, the provisions of Section 36 (6)–(7) shall also apply if the official, clerk or blue-collar employee is eligible for an old-age pension;
 - b) a prosecution service relationship established for a fixed term may be terminated through exemption also in the absence of the conditions determined in Section 36 (1)–(4) if the employer pays the official, clerk or blue-collar employee his average salary falling on the remaining term of the fixed term but maximum one year in advance;
 - c) the resignation period of officials, clerks and blue-collar employees is two months.

Section 131

Officials, clerks and blue-collar employees may not assume offices in political parties and may not assume public roles on behalf or in the interest of political parties, not including participation in the parliamentary, European Parliament and local municipality elections as candidates. Conflicts of interests in their case shall in other respects be duly governed by the provisions of Sections 45 to 47, subject to the difference that officials, clerks and blue-collar employees

- a) shall terminate their offices in political parties upon their appointment, at the latest;
- b) may also engage in gainful activities prohibited in Section 45 (1), may enter into membership, involving the obligation of personal participation, of a business association, cooperation company, non-profit company or cooperative and may become the member of an individual business if the person exercising the employer's rights granted his prior consent thereto;
- c) the existence of a conflict of interests shall be established by the person exercising the employer's rights.

Section 132

(1) Senior officials and officials in managerial positions shall be assessed upon the expiry of a period of three years following their appointment and every eight years thereafter, provided that they worked under the supervision of the assessor or his/her deputy for at least one year during the assessment period. Officials need not be assessed during the six years preceding their eligibility for an old-age pension.

(2) Officials not mentioned in Paragraph (1) and clerks and blue-collar employees shall only be assessed if circumstances indicating their professional ineligibility emerge.

(3) Assessment shall in other respects be duly governed by the rules relating to the assessment of prosecutors.

Section 133

(1) In the case of clerks and blue-collar employees, the provisions set forth in Section 53 (1), (3)–(4) and (6), while in the case of clerks, additionally the provisions set forth in Section 53 (2) and (7) shall also duly govern.

(2) In the case of extra or irregular work performed in departure from the normal schedule of working hours or beyond the normal working hours, officials shall be entitled to free time of a duration that is equal to the duration of the work performed. In consideration of any irregular work performed on days of rest or bank holidays, not including work performed during stand-by or duty service, officials shall be entitled to free time of a duration that is double the duration of the work performed. Free time shall be granted after the completion of such irregular work but within one month, at the latest. If the free time cannot be granted within one month, it shall be redeemed in cash. The redemption rate is the pro rata amount of the official's salary at the time of payment falling on the free time. A flat-rate free time of maximum ten working days annually may be provided for officials regularly performing work on an irregular basis. The performance of irregular work by officials and their duty and stand-by service shall in other respects be duly governed by the provisions of Section 56.

(3) Duty and stand-by services rendered by clerks and blue-collar employees shall be duly governed by the provisions of Section 56, while the ordering of irregular work and the consideration payable for irregular work performed in departure from the normal schedule of working hours or beyond the normal working hours shall be duly governed by the provisions of the Labour Code.

Section 134

(1) In the case of an assignment in Hungary in excess of six hours, officials, clerks and blue-collar employees shall be entitled to ten per cent of the part of the 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. The frequency of work performed outside the service post shall not affect entitlement to a daily allowance.

(2) The domestic assignments of officials, clerks and blue-collar employees shall also be duly governed by the provisions set forth in Section 57 (2)-(4).

Section 135

(1) The salaries of officials, clerks and blue-collar employees shall consist of a basic salary and supplements. The pay base shall serve as the basis for the determination of the salaries of officials and clerks.

(2) The position supplement, managerial supplement and title supplement form part of the basic salary in their nature. The combined total amount of the basic salary and the supplements forming part of the basic salary may not be less than the amount of the mandatory minimum wage or the guaranteed minimum wage.

Section 136

(1) The basic salary (monthly wage) shall be determined through the classification of officials and clerks into pay categories corresponding to their positions and the education (qualifications) necessary for the fulfilment thereof and into pay grades based on their completed service time. In each pay category, multipliers ascending in proportion to the pay base are attached to the higher pay grades.

(2) *Annex No. 5* contains the pay categories and pay grades in the case of officials and clerks.

(3) Officials with relevant tertiary education shall fall into pay category III, while officials with minimum secondary education shall fall into pay category IV. Officials with non-relevant tertiary education and relevant tertiary vocational qualifications, too, may be classified into pay category III in exceptional circumstances. Upon classification, the legal rules regarding the determination of qualification requirements and the instructions of the Prosecutor General, too, shall be taken into consideration.

(4) Clerks shall be classified into pay category IV.

(5) The basic salaries of blue-collar employees shall be established with the mutual agreement of the parties on the basis of the Labour Code.

Section 137

(1) The pay grades of officials and clerks shall be determined on the basis of the service time calculated in accordance with the provisions set forth in Paragraphs (2) to (5).

(2) Except as set forth in Paragraphs (3)–(4), service time shall be calculated as of the day of appointment (employment), with the proviso that the initial year (fraction year) shall be taken into consideration as a full year.

(3) Time completed in a similar position in a judicial service relationship shall be taken into consideration as service time.

(4) The following may be taken into consideration as service time partially or in its entirety:

a) in the case of officials falling into pay category III, time completed in a position or activities corresponding to their relevant education before their appointment,

b) in the case of officials and clerks not mentioned in Point a), time completed in the legal relationships listed in Section 154 (1) and (3).

(5) For the purposes of the provisions set forth in Paragraphs (3) and (4), the eligible service time shall be determined in such a way that promotion to the next pay grade shall occur as of the first day of the calendar year. In the case of the calculation of the eligible service time under Paragraph (4), the correct pay ratios shall also be taken into consideration.

Section 138

If an official or clerk is transferred to a higher pay category as set forth in *Annex No. 5*, his/her payment grade attained up to that point in time may be reduced by maximum two grades in the new payment category, however, his/her new basic salary shall exceed his/her former basic salary.

Section 139

(1) An official falling into pay category IV who has non-relevant tertiary educational qualifications or has tertiary qualifications not necessary for the fulfilment of his/her position or has relevant tertiary or higher vocational qualifications necessary for the fulfilment of his/her position shall be entitled to a basic salary of an amount that is equal to the pay base increased by fifteen per cent.

(2) The employer may raise the basic salaries of officials and clerks for a fixed or indefinite term, with regard to the standard of their work, by maximum thirty per cent 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 prosecution, or may determine their salaries at a rate reduced by maximum twenty per cent.

Section 140

(1) Officials and clerks may be promoted to one higher pay grade on maximum two occasions, on an extraordinary basis, with regard to their outstanding work contribution. A minimum period of six years shall elapse between two extraordinary pay promotions.

(2) Any extraordinary pay promotion shall be effected as of the first day of the calendar year. As part of this, any service time completed in the previous pay grade shall also be taken into consideration in the new pay grade.

Section 141

(1) Officials with tertiary educational qualifications working at the Office of the Prosecutor General and NIC shall be entitled to a position supplement.

(2) The rate of the position supplement is ten to fifteen per cent of the pay base at the Office of the Prosecutor General and five to ten per cent of the pay base at NIC.

(3) The amount of the position supplement shall be determined within the boundaries set forth in Paragraph (2), with regard to the time completed by the official in a prosecution service relationship.

(4) Prosecution agents shall be entitled to a job supplement of an amount that is equal to ten to fifteen per cent of their pay base, subject to the completed service time.

(5) Researchers working at NIC shall be entitled to a researcher supplement of an amount extending from ten to fifty per cent of the pay base, subject to the fulfilment of the requirements set forth in the Prosecutor General's instruction.

Section 142

(1) The basic salaries including position supplements of officials and clerks may not be less than the basic salaries including pay supplements of government officials with the same service time based on their pay grades working

a) for the agencies mentioned in Section 19(1) of GOA in the case of the employees of the Office of the Prosecutor General and NIC,

b) for the county government offices in the case of the employees of agencies other than those mentioned in Point a).

Pay category I under GOA corresponds to pay category III under the present Act, while pay category II under GOA corresponds to pay category IV under the present Act.

(2) Any salary difference calculated pursuant to Paragraph (1) shall be paid as a career difference.

Section 143

(1) Officials holding managerial positions shall be entitled to a managerial supplement monthly.

(2) An office manager shall only be entitled to a managerial supplement if he/she has minimum two subordinate employees under his/her supervision.

(3) The managerial supplement shall be determined in percentage of the pay base, as set forth in *Annex No. 6*, based on the level and size of the service post and the number of subordinate employees.

Section 144

(1) The person exercising the employer's rights may appoint an official with relevant tertiary qualifications and minimum five years' experience relevant to his/her position as a professional consultant, while an official with relevant tertiary qualifications and ten years' professional experience as a senior professional consultant. The total number of appointments may not exceed one third of the officials with tertiary qualifications working in the prosecution office.

(2) Professional consultants shall be entitled to a consultant supplement at the rate of the managerial supplement determined in Appendix No. 6 with respect to heads of departments, while senior professional consultants shall be entitled to a consultant supplement of an amount that is equal to the managerial supplement determined by the person exercising the employer's rights with respect to heads of divisions. If the professional consultant or senior professional consultant is also entitled to a managerial supplement, he shall be entitled to the higher of the two.

(3) An appointment as a professional consultant or senior professional consultant shall be revoked if the person concerned is awarded a managerial appointment or engagement involving an identical or higher supplement or if necessary on the basis of the evaluation of his work. In the event of revocation, the disbursement of the supplement shall be terminated and the person concerned shall be entitled to a salary based on his pay grade and category.

Section 145

(1) In the event of an excellent contribution and minimum ten years completed in a prosecution service relationship,

a) officials classified into payment category III may be awarded the title "chief counsellor",

b) officials classified into payment category IV may be awarded the title "counsellor".

(2) The title "chief counsellor" shall involve a monthly title supplement of an amount that is equal to fifteen per cent of the pay base, while the title "counsellor" shall involve a monthly title supplement of an amount that is equal to ten per cent of the pay base.

Section 146

(1) Officials, clerks and blue-collar employees shall be entitled to danger money if they are exposed during most of their working hours to health hazards or protection can only be provided through the long-term use of individual protective devices.

(2) The jobs eligible for danger money shall be determined by the Prosecutor General.

(3) The rate of the danger money is five to ten per cent of the pay base.

Section 147

(1) Prosecution agents shall be entitled to twenty-six working days of basic leave annually, while other officials and clerks shall be entitled to twenty-five working days of basic leave annually.

(2) In the case of officials and clerks falling into pay grade 2, the basic leave shall increase by one working day, and by one further working day upon the attainment of the next pay grade but by maximum ten working days in total.

(3) Blue-collar employees shall be entitled to twenty-five working days of basic leave annually. The basic leave shall increase by one working day after every three years completed in a prosecution service relationship but by maximum ten working days. The increased rate of basic leave shall be due as of the first day of the year in which the blue-collar employee attained the necessary prosecution service time.

(4) Senior officials shall be entitled to five working days of additional leave annually, while officials in managerial positions shall be entitled to three working days of additional leave annually over and above the basic leave mentioned in Paragraphs (1)–(2).

(5) Officials, clerks and blue-collar employees shall also be entitled to the additional leave determined in the Labour Code over and above the leave determined in Paragraphs (1)–(4).

(6) Official, clerks and blue-collar employees shall be entitled to remuneration under the rules of the Labour Code for the duration of the leave determined in Paragraphs (1)–(5).

(7) Officials, clerks and blue-collar employees shall be entitled to a break during the working hours, a rest period between the conclusion of the daily work and the commencement of work on the following day, days of rest and bank holidays, sick leave, in accordance with the rules of the Labour Code, and other working time reductions.

(8) The person exercising the employer's rights may authorise officials, clerks and blue-collar employees to take unpaid leave even in instances when it is not prescribed on a mandatory basis in the Labour Code.

Section 148

The disciplinary accountability of officials, clerks and blue-collar employees shall be governed by the rules of the present Act relating to the disciplinary liability of prosecutors subject to the following differences:

a) the prosecution employee subjected to the proceedings shall be instructed in his/her rights related to the proceedings upon the first hearing;

b) in addition to Section 96 (2), officials, clerks and blue-collar employees under the effect of a disciplinary sanction may not be promoted to a higher pay grade and promotion to a higher pay grade deferred due to the effect of a disciplinary sanction shall fall due at the time of their exemption, and the date of the pay promotion shall be reckoned from the original date by disregarding the suspension due to the effect of the disciplinary sanction;

c) in the case of blue-collar employees, instead of the disciplinary sanction of demotion by one pay grade, the disciplinary sanction of the reduction of the basic salary for maximum two years shall be imposed; the rate of the reduction may extend to five per cent of the basic salary;

d) upon demotion to an inferior position, prosecution employees may be demoted to a position that corresponds to the qualifications prescribed with respect to their position prior to the imposition of the disciplinary sanction or, if they were previously given exemption from any appointment requirement, to a position that corresponds to their actual qualifications;

e) instead of the disciplinary sanction of forfeiture of office, the disciplinary sanction of dismissal shall be imposed;

f) the person authorised to exercise the employer's rights shall be entitled to establish disciplinary liability and may delegate this right to the prosecutor heading the district prosecution office;

g) the revocation of official acknowledgement awarded by the Prosecutor General shall be subject to the prior agreement of the Prosecutor General;

h) the person subjected to the proceedings may turn to a court directly against the disciplinary decision within fifteen days of the service thereof;

i) if criminal proceedings have been instituted against an official, clerk or blue-collar employee, the institution of disciplinary proceedings is not mandatory if the institution of disciplinary proceedings is not necessary for other reasons.

Section 149

The provisions of the present Act relating to the liability for compensation of prosecutors shall duly apply to officials, clerks and blue-collar employees, subject to the difference that

a) the person authorised to exercise the employer's rights shall be entitled to adopt a compensation decision against officials, clerks and blue-collar employees and

b) the person subjected to the proceedings may turn to a court against the compensation decision within fifteen days of the service thereof.

Section 150

From among the provisions of the present Act relating to the prosecution service relationships of prosecutors, the following provisions shall also duly govern the prosecution service relationships of officials, clerks and blue-collar employees:

a) Section 11 (6),

b) Section 15,

c) Section 21,

d) Section 26,

e) Section 49 with respect to the verification of the fulfilment of the conditions of appointment and of the circumstances resulting in the cessation of the legal relationship during the existence of a prosecution service relationship,

f) Section 55,

g) Sections 67-76,

h) Section 80,

i) Sections 105-108.

Chapter XVI Other Provisions Applicable to the Prosecution Service Relationship

Section 151

(1) In matters not regulated in the present Act, the service relationships of prosecution employees also forming part of the professional staff of the Hungarian Defence Force shall also be duly governed by the provisions of Act CXIII of 2001 on National Defence, the Hungarian Defence Force and Measures That May Be Implemented in a State of Emergency, subject to the difference that they are only entitled to remuneration on the basis of the present Act, however, officials, clerks and blue-collar employees are entitled to a defence supplement.

(2) The service relationships entered into with the Hungarian Defence Force of military prosecutors and other prosecution employees forming part of the professional staff may be terminated, not including the case of resignation, and shall only cease by the force of law on account of the attainment of the upper age limit of professional service, if their prosecution service relationship is terminated.

(3) *Annex No. 7* to the present Act contains the military ranks awarded to prosecution employees who form part of the professional staff of the Hungarian Defence Force.

Section 152

(1) A prosecution service card shall be issued to the Prosecutor General by the Speaker of Parliament, while to the Deputy Prosecutor General by the President of the Republic.

(2) A former Prosecutor General and Deputy Prosecutor General, provided that their prosecution service relationships no longer exist and the mandate of Prosecutor General or Deputy Prosecutor General ceased for the reasons mentioned in Section 22 (1), Points *a)–d)* and Section 24 (1), Points *a)–c)*, shall be entitled to use the titles referring to their mandates in conjunction with the attribute “former”, while as pensioners, in conjunction with the attribute “retired”.

(3) Former Prosecutors General shall be duly governed by the rules applicable to the former Presidents of the Curia unless the present Act provides otherwise.

(4) Provided that their prosecution service relationships no longer exist and were not terminated for the reasons mentioned in Section 34, Points *f)–o)*, Section 130 (1), Points *d)–e)*, *g)–j)* and Section 130 (2)–(4) and provided that they were not exempted on the basis of Section 36 (1), *c)* or *e)*, not including health-related circumstances, prosecution employees shall be entitled to use the titles referring to their offices as pensioners in conjunction with the attribute “retired”.

Section 153

(1) In matters not regulated in the Fundamental Law, the Act on Prosecution and the present Act, the prosecution service relationships of prosecution employees shall also be duly governed by the Labour Code and any other provisions issued on the basis of statutory authorisation, with regard to the provisions set forth in Paragraphs (2) to (6).

(2) The following provisions of the Labour Code shall not apply to the service relationships of prosecution employees:

a) from among the introductory provisions: Section 13(2)–(5);

b) from among the rules regarding labour relations: Section 17 (4), Section 20, Sections 30 to 41/A, Sections 43–45, Section 53 (3), Section 57 (2) and (4), Section 62 (2), Section 64 and Sections 65-70;

c) from among the rules relating to employment: Section 72 (4)–(5) and (7), Section 76 (1) and (4) and (7), Point *g*), Section 78 (1)-(2), Section 79 (3)–(5) Sections 80-81, Section 84/A (1), Point *b*), Sections 86-87, Sections 88-89, Sections 91-92, Sections 95-96, Section 101, Section 104 (1)–(3), last sentence of Section 105 (1), Paragraphs (6)–(7), Sections 106-106/B, Sections 108-109, Section 116, Section 117/A, Section 117/B (3), Point *b*) and Paragraph (4), Section 129 (1), Section 148, Section 150 (1), Sections 166-168, Section 173 and Sections 188-193/Z;

d) from among the miscellaneous and transitional provisions: Section 209.

(3) The service relationships of prosecution employees shall be governed by the following provisions of the Labour Code subject to the following differences:

a) Section 23 subject to the difference that a representative organisation may not exercise the right to object even if the possibility of a legal dispute is precluded in the present Act;

b) Section 105 (1) subject to the difference that business interests shall be construed as prosecution interests;

c) Section 110 (2) subject to the difference that a study contract may only be entered into with another employer with the prosecution's prior permission;

d) Section 117 (1), Point *a*) subject to the difference that any intra-work break shall be granted during the working hours;

e) Section 130 (2), Point *f*) subject to the difference that no ordinary leave shall be due for the term of suspension from the employee's job;

f) Section 198 (1) subject to the difference that an agreement reached in the course of consultations and the decision of an arbitrator shall be binding on the parties;

g) Section 202 (1), Point *c*) subject to the difference that extraordinary notice shall be construed as extraordinary resignation.

(4) Sections 147 and 149 of the Labour Code shall only govern clerks and blue-collar employees.

(5) Wherever the Labour Code mentions

a) worker, it shall be construed as prosecutor, deputy prosecutor, prosecution draftsman, official, clerk or blue-collar employee,

b) employment contract (agreement), it shall be construed as appointment,

c) employment, it shall be construed as prosecution service relationship,

d) rules relating to employment, they shall be construed as the law applicable to prosecution service relationships and any other legal rules issued on the basis of the authorisation granted therein, and further the instructions issued by the Prosecutor General on the basis of the authorisation granted in the present Act in agreement with the employee representative organisations concerned,

e) works council for the determination of trade union representation, it shall be construed as employee council,

f) the right to decide collectively, it shall be construed as the right to agree with respect to the quorum of the employee council (National Council),

g) ordinary notice, it shall be construed as resignation or exemption,

h) particularly important business interests, they shall be construed as particularly important prosecution interests.

(6) Wherever the phrases "qualifies as a pensioner", "eligible for old-age pension", "eligibility for old-age pension", "receives disability (accident-related) disability pension" are

used in the present Act, these terms shall be governed by Section 87/A of the Labour Code, with the proviso that, in the case of the Deputy Prosecutor General and prosecutors, these terms shall apply to persons not having completed the old-age pension age applicable to them. A deputy prosecutor, prosecution draftsman, official, clerk or blue-collar employee as well as a prosecutor not having completed the applicable old-age pension age shall qualify as a pensioner even if he/she him/herself requests his/her exemption with reference to Section 18 (2a) of SSPS or to eligibility for a disability pension.

Section 154

(1) For the purposes of the present Act, unless the present Act provides otherwise, only the time completed in a prosecution service relationship shall be regarded as prosecution service time.

(2) Upon determining the amount of the severance pay due, in addition to the term mentioned Paragraph (1), time completed without interruption in a judge's service relationship or judicial service relationship shall also be regarded as time completed in a prosecution service relationship.

(3) In calculating the time of eligibility for a jubilee bonus and determining the basic leave of blue-collar employees, for the calculation of the time completed in a prosecution service relationship, in addition to the term mentioned in Paragraph (1), time completed in a service relationship with the Constitutional Court or a court, government official legal relationship, civil servant legal relationship, public employee legal relationship or any other employment relationship (service relationship, employment) as well as in a legal relationship of an employment nature with a cooperative subsequent to 20 January 1992 [Section 56 (2) of Act X of 2006] shall also be taken into consideration.

(4) In calculating the time of eligibility for a jubilee bonus, in addition to the terms mentioned in Paragraphs (1) and (3), the term of operation as an attorney and service as a notary public, not including the suspension of the legal relationship, shall be regarded as time completed in a prosecution service relationship.

(5) If, upon the determination of the time completed in a prosecution service relationship, several legal relationships may be taken into consideration with respect to the same period, only a single legal relationship shall be taken into account.

(6) For the purposes of the rules regarding social security, the time completed in a prosecution service relationship shall be regarded as time completed in employment.

Section 155

(1) For the purposes of the present Act, relative: a direct-line relative and his/her spouse, adoptive, foster and step parent, adopted, foster and step-child, sibling and his/her spouse, spouse, registered common-law spouse, common-law spouse and direct-line relative and sibling of spouse and registered common-law spouse.

(2) Wherever the present Act uses the phrases "actually worked", "actually operated", "actually engaged in", "time actually completed in a service relationship", these shall be construed as periods during which a prosecution employee or a person nominated for an office was entitled to a salary, full or partial absence pay or average pay in an employment relationship or an equivalent wage or salary.

Section 156

(1) Persons entering into a prosecution service relationship and prosecution employees shall verify the data and facts necessary for the establishment of a prosecution service relationship and subsequent classification as well as the data and facts generated during and in connection with the existence of the legal relationship.

(2) All material legal declarations concerning the prosecution service relationship shall be committed to writing. Unless a rule of law provides otherwise, employer measures related to the organisation of work and the day-to-day performance of work need not be committed to writing.

Section 157

The Prosecutor General may establish rules in connection with the prosecution service relationships of prosecution employees, in agreement with the employee representative organisations concerned, with respect to issues that are not regulated in the present Act and may fall within the scope of a collective agreement under the Labour Code.

Chapter XVII Closing Provisions

Section 158

(1) The present Act shall enter into force on 1 January 2012.

(2) Simultaneously with the entry into force of the present Act, Act LXXX of 1994 on the Prosecution Service Relationship and Prosecution Data Management (hereinafter referred to as "PSA") shall cease to have effect.

Section 159

(1) Based on Article 29, Paragraph (7) of the Fundamental Law, Chapter I, Chapters III to XIII, Sections 151 and 152, Sections 154 to 157, Section 158 (2), Sections 160 to 165 of and *Annexes Nos. 1 to 3 and Annex No. 7* to the present Act shall qualify as cardinal.

(2) Abbreviation of the present Act for the purposes of other legal rules: "PA".

Section 160

(1) The provisions of the present Act shall apply to deputy prosecutors general and prosecutors having completed the applicable old-age pension age prior to 1 January 2013 (hereinafter collectively referred to in the present Section as "prosecutor") subject to the differences set forth in Paragraphs (2) and (4).

(2) If a prosecutor completed the applicable old-age pension age prior 1 January 2012, his/her service relationship shall be terminated through exemption, without severance pay, a ban on exemption and any restriction; the initial day of the exemption period is 1 January 2012, while the closing day is 30 June 2012, and his service relationship shall cease effective as of 30 June 2012.

(3) If a prosecutor completes the applicable old-age pension age between 1 January 2012 and 31 December 2012, his service relationship shall be terminated through exemption,

without severance pay, a ban on exemption and any restriction; the initial day of the exemption period is 1 July 2012, while the closing day is 31 December 2012, and his/her service relationship shall cease effective as of 31 December 2012.

(4) The provisions set forth in the second sentence of Section 41 (1) shall apply in the cases regulated in Paragraphs (2)–(3) subject to the difference that the prosecutor shall be entitled to an amount that is equal to his/her three-month average pay.

Section 161

(1) The repeal of PSA shall not affect the operation of the elected bodies regulated therein until the expiry of their mandate.

(2) Any conflict of interests introduced by virtue of the present Act shall be terminated by prosecution employees within fifteen days of the entry into force hereof. If a prosecution employee fails to meet this obligation, the person exercising the employer's rights in respect of his person shall establish the existence of a conflict of interests.

(3) If a prosecutor or official in a managerial position was already assessed prior to the entry into force hereof on the number of occasions determined in Section 41 (1) and Section 88 (1) of PSA and there are 15 years or less until the completion of the applicable old-age pension age, any further assessment shall only be carried out for the reason mentioned in Section 50 (2) of the present Act.

(4) Disciplinary proceedings instituted prior to the entry into force hereof in which no decision has been adopted yet shall be continued in accordance with the provisions of the present Act.

Section 162

(1) Military prosecutors awarded the title "Titular military appeals prosecutor" prior to the entry into force of the present Act shall hereafter be entitled to use the title "Titular appeals public prosecutor", while those awarded the title "Titular military public prosecutor" shall hereafter be entitled to use the title "Titular prosecutor of the Office of the Prosecutor General", and shall also be entitled to the supplements resulting therefrom, in accordance with the rules of the present Act.

(2) The present Act shall not affect the rights of former defence public employees determined in other applicable legal rules.

Section 163

(1) The present Act shall not affect the validity of prosecution service relationships established with prosecutors for a fixed term prior to the entry into force hereof on the basis of the second sentence of Section 14 (4) of PSA. The cessation of such prosecution service relationships shall be duly governed by the rules relating to the cessation of prosecution service relationships established with officials for a fixed term, with the proviso that the prosecution service relationship shall cease on 30 June 2012, at the latest, on the grounds of the expiry of the fixed term.

(2) By virtue of the entry into force hereof, the title of prosecution secretary shall change to deputy prosecutor. Wherever a legal rule mentions prosecution secretary, it shall be construed as deputy prosecutor, while the term deputy prosecutor shall also include prosecution secretaries appointed on the basis of the rules in force earlier.

(3) Prosecution investigators shall, by virtue of the entry into force hereof, be appointed as prosecution agents, if they agree with the appointment and have relevant tertiary educational qualifications. If a prosecution investigator does not have relevant tertiary educational qualifications, he/she shall be appointed as official. Upon appointment, the pay category and pay grade may not change to the prosecution employee's detriment. If a prosecution investigator does not agree with his/her appointment as prosecution agent or official, he/she shall be exempted from his prosecution service relationship on the grounds of reorganisation with an exemption period commencing on the day of the entry into force hereof. In this case, the rules relating to the ban on termination and restriction need not apply.

(4) By virtue of the entry into force hereof, the title of prosecution administrator shall change to prosecution agent.

(5) Prosecutors bearing the title of "titular chief counsellor of the Office of the Prosecutor General" at the time of the entry into force hereof may continue to use this title and shall be entitled to the rights determined in the present Act with respect to the title "titular public prosecutor".

(6) For the purposes of the present Act, an administrator performing duties relevant to prosecution with elementary education, too, shall be regarded as an official if he was classified as an official prior to the entry into force of PSA.

Section 164

(1) Wherever a legal rule mentions the minimum prosecution basic salary, it shall be construed as the pay base.

(2) Wherever the present Act mentions

- a) district prosecution office, it shall be construed as local prosecution office,
- b) district prosecutor, it shall be construed as local prosecutor,
- c) district head prosecutor, it shall be construed as local head prosecutor,
- d) district deputy-head prosecutor, it shall be construed as local deputy-head prosecutor,
- e) district head of task force prosecutor, it shall be construed as local head of task force prosecutor

until 31 December 2012.

(3) By virtue of the entry into force hereof, the salaries of prosecution employees may not decrease in the event of unchanged positions and in the absence of an enforceable disciplinary sanction. Prosecution employees shall be entitled to a salary in accordance with the provisions of the present Act but at least at the rate determined.

Section 165

(1) Prosecution employees may, within thirty days of the entry into force hereof, request the repeated establishment of their time completed in a service relationship taken into consideration for the purpose of eligibility for a jubilee bonus. Prosecution employees shall enclose with their applications the certificates verifying the existence of the legal relationships requested to be taken into consideration as service time.

(2) The person exercising the employer's rights shall decide on the application within thirty days of the submission thereof and shall, if deemed well-founded, alter the time

completed in a service relationship accordingly and shall notify the prosecution employee thereof.

(3) If a prosecution employee engaged in a prosecution service relationship at the time of the entry into force hereof

a) had been entitled to a jubilee bonus in accordance with Paragraph (2) prior to the entry into force hereof and

b) was engaged in a prosecution service relationship at the time of the jubilee, and

c) was not disbursed a jubilee bonus with respect to any legal relationship, he/she shall be paid the jubilee bonus within three months of the entry into force hereof.

(4) If a prosecution employee is eligible for multiple jubilee bonuses on the basis of Paragraph (3), he/she shall be paid the bonus of the highest amount.

(5) If a prosecution employee is entitled to a jubilee bonus on the basis of Paragraphs (3) and (4), the amount of any jubilee bonus paid prior to the entry into force hereof shall be deducted from the amount thereof if there was no eligibility for the latter on the basis of the newly acknowledged service time.

Section 166

The present Act serves compliance with the following EU legislation:

a) Council Directive 1999/70/EC concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, together with the governing provisions of the Act on the Labour Code,

b) Council Directive 97/81/EC concerning the Framework Agreement of part-time work concluded by UNICE, CEEP and ETUC, together with the governing provisions of the Act on the Labour Code,

c) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation 1612/68/EEC and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, a 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, Article 24.

Dr. Pál Schmitt
President of the Republic

László Kövér
Speaker of the Parliament

Annex No. 1 to Act ... of 2011

Table of Basic Salaries of Prosecutors

Pay base = 1

Pay grades	Multipliers
1.	1.00
2.	1.10
3.	1.20
4.	1.25
5.	1.30
6.	1.35
7.	1.40
8.	1.45
9.	1.50
10.	1.55
11.	1.60
12.	1.65
13.	1.70
14.	1.75

Annex No. 2 to Act ... of 2011

Managerial Supplements of Prosecutors

Managerial supplement in percentage of pay base

	Managerial positions	%
1.	Prosecutor General	100
2.	Deputy Prosecutor General	80
3.	Head of Division prosecutor Appeals public prosecutor Public prosecutor of large public prosecution office Public prosecutor of public prosecution office with nation-wide jurisdiction	60
4.	Deputy Head of Division prosecutor Appeals deputy public prosecutor Public prosecutor	50
5.	Head of Department, prosecutor, Office of the Prosecutor General Deputy public prosecutor of large public prosecution office Deputy public prosecutor of public prosecution office with nation-wide jurisdiction	45
6.	Appeals Head of Department, prosecutor	40
7.	Deputy public prosecutor Head of priority local prosecution office, prosecutor	35
8.	Head of Department, prosecutor, large public prosecution office Head of Department, prosecutor, public prosecution office with nation-wide jurisdiction Deputy head of priority local prosecution office, prosecutor Head of large local prosecution office, prosecutor	30
9.	Head of Department, public prosecution office, prosecutor Deputy head of large local prosecution office, prosecutor Head of smaller local prosecution office, prosecutor	25
10.	Head of task force, public prosecution office, prosecutor	20
11.	Head of task force, priority and large local prosecution offices, prosecutor Deputy head of smaller local prosecution office, prosecutor	15

Annex No. 3 to Act ... of 2011

Data featured in personal records

Prosecution employee's

I.

- name, name at birth,
- identity card photo,
- administrative registration number,
- nationality,
- place and date of birth,
- mother's name,
- address, place of residence, telephone number, e-mail address,
- marital status,
- name, occupation and employer of spouse, registered common-law spouse, common-law spouse,
- names and dates of birth of children;

II.

- highest educational qualification, qualification of degree or diploma, year of acquisition, name of institution, faculty, section, department and level of training,
- fact of contract entered into for engagement in studies, name of institution, date of conclusion of contract, type of benefit/support, year of actual completion of studies,
- qualifications, year of acquisition, year of passage of legal examination, result,
- qualifications acquired as part of post-graduate training, name of institution, year of acquisition,
- courses completed, name of institution, description of course and level of training, year of acquisition, result,
- attendance of internal course, name/description of course,
- current studies, name of institution, faculty, section, department and level of training, year of commencement,
- data of training course coming under obligation of training,
- academic degree,
- foreign language skills;

III.

- beginning of prosecution service relationship,
- beginning of service time eligible for classification,
- data of former employment (service relationship) eligible as service time or as prosecution service relationship:
- name of employer (job),
- date of entry,
- date of exit,
- method of cessation of legal relationship;

IV.

- service post, position, date of appointment (engagement), area of specialisation, other data of appointment (engagement),
- category and grade, date of mandatory pay promotion, basic salary, supplements and bonuses,
- description of long-term absence (in excess of thirty days, beyond ordinary leave),

beginning and end,

- other work-related legal relationships, examination committee membership (beginning and end of membership, subject of examination), title as instructor, description of other educational activities;

V.

- decorations, official recognition, awards in academic contests,
- disciplinary sanction in force,
- liability for compensation arising from prosecution service relationship,
- date of assessment,
- scholarships abroad,
- year of attendance of conference abroad, organiser and topic of conference,
- employer aid for housing purposes,
- settlement aid;

VI.

- date and method of cessation of prosecution service relationship, data of severance pay, new employer;

VII.

- date and number of firearms licence,
- manufacture number and type of service, self-defence or hunting firearms.

VIII.

Data related to joint and several state suretyship

- name and address of credit institution concluding credit contract;
- size of loan secured with state suretyship;
- date of maturity of loan.

IX.

- obligation and level of national security screening,
- date and level of last national security screening.

X.

- obligation and due date of issuance of financial disclosure statement,
- date of issuance of last financial disclosure statement.

Annex No. 4 to Act ... of 2011

Table of Basic Salaries of Deputy Prosecutors and Prosecution Draftspersons

Pay base = 1

Pay category	Pay grades and multipliers			
	1.	2.	3.	4.
I. Category I deputy prosecutor	0.70 0-3 years	0.75 4-6 years	0.80 7-9 years	0.90 as of year 10
II. Category II prosecution draftspersons	0.38	0.41	0.44	0.47

Annex No. 5 to Act ... of 2011

Table of Basic Salaries of Prosecution Officials and Clerks*Pay base = 1*

Pay grade	Service time	Pay categories and multipliers	
		Category III	Category IV
1.	0-1	0.38	0.20
2.	2-4	0.45	0.24
3.	5-7	0.50	0.27
4.	8-10	0.55	0.30
5.	11-13	0.60	0.33
6.	14-16	0.65	0.36
7.	17-19	0.70	0.39
8.	20-22	0.75	0.42
9.	23-25	0.80	0.45
10.	26-28	0.85	0.48
11.	29-31	0.90	0.51
12.	32-34	0.95	0.54
13.	35-37	1.00	0.57
14.	as of year 37	1.05	0.60

Annex No. 6 to Act ... of 2011

Managerial Supplements of Officials

Managerial supplement in percentage of pay base

	Managerial positions	%
1.	Director General for Finances	70
2.	Head of Division Director of NIC	40-60
3.	Deputy Head of Division Deputy Director of NIC	35-45
4.	Head of Department	25-40
5.	Deputy Head of Department	20-25
6.	Head of task force	15-20
7.	Office Manager	5-20

Annex No. 7 to Act ... of 2011

Ranks awarded to prosecution employees also forming part of the professional staff of the Hungarian Defence Force

Rank	Description of position
Major General	Head of Division prosecutor
Brigadier General	Deputy Head of Division prosecutor Appeals public prosecutor Public prosecutor Deputy public prosecutor
Colonel	Head of Department, prosecutor, Office of the Prosecutor General Deputy Head of Department, prosecutor, Office of the Prosecutor General Prosecutor, Office of the Prosecutor General Appeals deputy public prosecutor Head of Department, prosecutor, Appeals Public Prosecution Office Head of Department, prosecutor, Public Prosecution Office Head of Department, Office of the Prosecutor General
Lieutenant-Colonel	Head of task force, prosecutor, Public Prosecution Office Prosecutor, Appeals Public Prosecution Office Prosecutor, Public Prosecution Office Official with relevant tertiary qualifications, Office of the Prosecutor General
Major	Deputy prosecutor Head of task force, Office of the Prosecutor General Office Manager, Office of the Prosecutor General
Captain	Prosecution draftsman Official, Office of the Prosecutor General
Senior warrant officer	Official in a managerial position, Public Prosecution Office
Warrant officer	Official, Public Prosecution Office Clerk, Public Prosecution Office
Sergeant major	Driver