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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

HUNGARY

ACT CLXI OF 2011

ON THE ORGANIZATION

AND ADMINISTRATION OF THE COURTS*

(Prior to amendments adopted on 15 December 2020)

* Translation provided by the Authorities

In order to exercise jurisdiction of the courts effectively and in a manner that befits a constitutional state operating under the rule of law, to abide by the principles of judicial independence and to ensure uniformity in the administration of justice, Parliament has adopted the following Act on the structural organization and functions, and the management of courts for the implementation of the Fundamental Law, pursuant to Articles 25-28 of the Fundamental Law:

PART ONE

BASIC PRINCIPLES FOR THE FUNCTIONING OF COURTS AND THE JUDICIARY

Chapter I

Principles

1. Basic provisions

Section 1

In Hungary the courts perform judicial and other activities provided for by law.

Section 2

(1) The decisions of courts - adopted in proceedings governed in other legislation - in cases of disputed or allegedly infringed rights, in determining whether a municipal decree is contrary to another legislation, including the annulment thereof, or in connection with a municipal government's failure to fulfill its statutory legislation obligation shall be final.

(2) The courts shall ensure the enforcement of the law during their judicial activity.

Section 3

Judges and associate judges are independent, and shall make their decisions in accordance with the law based on their own personal judgment. They may not be influenced or instructed in relation to their judgement.

Section 4

The courts shall comprise an independent budget chapter in the act on the central budget. Within that chapter the Kúria (*Curia*) shall have its own title.

Section 5

The cases to be decided in the courts shall be specified by law.

Section 6

The court's decision shall be binding on all parties concerned, including the court's ruling determining as to whether or not it has jurisdiction in a particular case.

Section 7

All persons shall be equal before the courts of law.

Section 8

(1) No one can be deprived of his right to a lawful judge.

(2) The judge to be appointed for a case in due course of the law shall be selected from the panel of judges of the court vested with competence and jurisdiction according to the case allocation rules.

Section 9¹

(1) The case allocation rules of a court shall be laid down by the president of the court, upon hearing the opinion of the chamber of judges and the college, or by the president of the general court in general courts and district courts.

(2) The case allocation rules shall be reviewed - in accordance with Subsection (1) - within thirty days after the time of occurrence of any unforeseen event that may have a decisive impact on the distribution of caseload.

(3) If a judge is assigned to a court after setting the criteria for case allocation, the case allocation rules shall be redefined accordingly.

Section 10²

(1) With a view to the principle of lawful judge, the case allocation rules shall be laid down to ensure that the chamber to which the case was assigned can be ascertained in advance, including the rules of substitution if the chamber or a member of the chamber of judges is indisposed. The case allocation rules of a court shall define the structure and number of the chambers of that court, the type of cases generally assigned to judges - including seconded judges - and to chambers, or court secretaries carrying out the functions of a single judge in cases provided for by law, as well as the rules of substitutions if absent or unavailable, and shall designate the court executive in charge of the allocation of cases and the methods by which the cases are allocated. If a judicial venue has been set up within the organizational structure of a district court, the case allocation rules shall specify the methods by which the cases are allocated between the main district court and the judicial venue. The case allocation rules shall also specify the types of cases to be heard by court executives presiding over trials, and shall separately define the allocation methods for such cases.

(2) The case allocation rules of the Kúria (*Curia*) shall, furthermore, provide for the appointment of judges to the local government chamber and the uniformity complaints chamber, and also for the assignment of judges to the various uniformity panel branches.

(3) The case allocation rules shall be arranged and reviewed taking into account in particular the following:

- a) the magnitude of cases, the amount of work a case requires,
- b) the chronological order of the filing of cases, and even distribution of the workload,
- c) the timeliness of adjudication,
- d) special expertise of judges,
- e) specialization based on the subject-matter of the case.

Section 11

(1)³ The case distribution rules, and any subsequent amendment thereof, shall be communicated before it takes effect to the persons concerned and shall be posted in the court building where it can be seen by the litigants, and they shall be published on the website of the relevant court, or the website of the general court in the case of district courts.

(2) Exemption from the case allocation rules may be permitted in the cases provided for in procedural laws, or through administrative channels for reasons of import concerning the functioning of the court.

Section 12

(1) All court hearings are open to the public, except where otherwise provided for by law.

¹ Established by Section 57 of Act CXXVII of 2019, effective as of 1 April 2020.

² Established by Section 58 of Act CXXVII of 2019, effective as of 1 April 2020.

³ Established by Section 59 of Act CXXVII of 2019, effective as of 1 April 2020.

(2) The court shall deliver its decision of a case publicly.

(3)⁴ The President of the Országos Bírósági Hivatal (*National Office for the Judiciary*) (hereinafter referred to as "OBH"), the Országos Bírói Tanács (*National Committee of Justices*) (hereinafter referred to as "OBT"), other judicial administration organs and other judicial bodies participating in judicial administration, and court executives shall be responsible under this Act to ensure the publicity of judiciary administration and the related decision-making process.

Section 13

(1) Unless otherwise provided for by law the court shall state the reasons on which its decision is based.

(2) All court decisions may be appealed, except where otherwise provided for by law.

(3) All court decisions delivered under this Act shall be available - as provided for in this Act - for any member of the general public, without providing data for identification, and with unrestricted and full access, free of charge.

Section 14

Court decisions are carried out by order of the court.

Section 15

(1) Court cases shall be presided over by a sole judge or a chamber of judges. In the cases and in the manner specified by law, associate judges shall also participate in adjudication. In the adjudication of a case, associate judges shall have the same rights and obligations as judges.

(2) Only judges may function as single judges and presiding judges. In cases specified by law, court secretaries shall also be authorized to act as substitutes for single judges.

Chapter II

The Judiciary

2. Common provisions

Section 16⁵

(1) In Hungary, justice is administered by the following courts:

a) Kúria (*Curia*);

b) courts of appeal;

c) general courts;

d) district courts and Budapest district courts (hereinafter referred to collectively as "district court").

(2) With the exception of district courts, courts have their own financial offices.

Section 17⁶

(1) With the exception set out in Subsection (2), specific other act provides for setting up a new court, merging and terminating courts, for determining the name, seat and the area of jurisdiction of a court, for the definition of district courts with judicial venue, and also for the designation of courts with military tribunals.

(2) Where the area of jurisdiction of a court coincides with administrative boundaries, any change in the area of jurisdiction of the court due to changes in the administrative boundaries

⁴ Established by Section 60 of Act CXXVII of 2019, effective as of 1 April 2020.

⁵ Established by Section 61 of Act CXXVII of 2019, effective as of 1 April 2020.

⁶ Established by Section 61 of Act CXXVII of 2019, effective as of 1 April 2020.

shall be declared by the President of the Republic - by way of a resolution - upon a recommendation by the President of OBH.

3. District courts⁷

Section 18

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

(2)⁸ District courts are directed by the president. The rules governing the internal workings of judicial venues and the allocation of functions between the district court and its judicial venue are contained in the organizational and operational regulations of the general court concerned.

(3) District courts have no legal personality, however, the presidents thereof may undertake obligations in accordance with the rules on the management of public finances in a manner provided for in the internal rules of the general court.

(4) District courts may set up groups for handling specific types of cases.

(5)⁹ District courts specified by law shall have a judicial venue set up within their organizational structure, within their area of jurisdiction, in the administrative center of the district, located outside the seat of the district court. The judicial venue shall provide opportunities for holding hearings, personal interviews at least one day a week in litigious civil and commercial cases, and also in criminal and misdemeanor cases on condition that other infrastructure requirements decreed by the President of OBH are satisfied. The judicial venue shall be directed by a judge or judicial staff appointed by the president of the relevant general court in the capacity of head of group. Deputy heads of group in judicial staff shall work at the judicial venues designated by the President of OBH. Unless otherwise provided for in this Act, the provisions governing groups shall apply to judicial venues *mutatis mutandis*.

Sections 19-20¹⁰

4. General courts

Section 21¹¹

(1) General courts shall proceed in the first instance in cases defined by law and in the second instance they shall hear and determine appeals lodged against the decisions of district courts.

(2) General courts are directed by the president.

(3) General courts are vested with legal personality.

(4) Chambers, groups as well as criminal, civil, economic and labor colleges shall operate at general courts. The Fővárosi Törvényszék (*Budapest Metropolitan Court*), Budapest Környéki Törvényszék (*General Court of Greater Metropolitan Budapest*), Debreceni Törvényszék (*Debrecen General Court*), Miskolci Törvényszék (*Miskolc General Court*), Pécsi Törvényszék (*Pécs General Court*), Szegedi Törvényszék (*Szeged General Court*) and the Veszprémi Törvényszék (*Veszprém General Court*) shall maintain administrative colleges as well. With the exception of administrative colleges, various colleges may also function as a single unit.

(5) Specific cases defined by law shall be heard in the first instance by military tribunals at the general courts designated by law and with areas of jurisdiction therein provided for.

(6) In administrative disputes cases falling within general court jurisdiction shall be heard in the first instance by general courts with administrative college in the area of jurisdiction defined by law.

⁷ Amended by Point 1 of Subsection (1) of Section 90 of Act CXXVII of 2019.

⁸ Established by Subsection (1) of Section 62 of Act CXXVII of 2019, effective as of 1 April 2020.

⁹ Enacted by Subsection (2) of Section 62 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁰ Repealed by Point 2 of Subsection (1) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

¹¹ Established by Section 63 of Act CXXVII of 2019, effective as of 1 April 2020.

5. Courts of appeal

Section 22

(1) Courts of appeal shall hear the appeals filed against decisions of district courts and general courts adopted in cases defined by law and shall hear other cases delegated under their jurisdiction.

(2) Courts of appeal are directed by the president.

(3)¹² Courts of appeal are vested with legal personality.

(4)¹³ Chambers, as well as criminal, civil and labor colleges shall operate at courts of appeal.

(5) Appeals against the decisions adopted in military cases of first instance by military tribunals shall be heard by the military tribunal of the court of appeal provided for in specific other act.

6. The Kúria (*Curia*)

Section 23

(1) The Kúria is the highest judicial authority.

(2) The Kúria is directed by the President.

(3) The Kúria is vested with legal personality.

Section 24

(1)¹⁴ The Kúria:

a) shall hear and determine the appeals filed against decisions of the general courts and courts of appeal in cases specified by law;

b) shall hear and determine motions for review;

c) shall adopt harmonized decisions, which are binding on all courts of justice;

d) shall hear and determine uniformity complaints;

e) shall perform jurisprudence analysis of cases closed by final or definitive decision to examine and explore the judicial practice of courts;

f) shall decide as to the legality of municipal decrees, and shall annul them where appropriate;

g) shall establish where a municipal government fails to comply with its statutory legislation obligation; and

h) shall hear other cases delegated under its authority.

(2)¹⁵ The Kúria maintains adjudication chambers, chambers passing uniformity decisions, municipal government, chambers hearing uniformity complaints (hereinafter referred to as “uniformity complaints chamber”), criminal, civil and administrative colleges, as well as working groups examining judicial practice. The Kúria may have branch colleges set up.

PART TWO

PROCEDURES FOR PROMOTING UNIFORM AND MODERN JUDICIAL PRACTICES AND FOR REVIEWING MUNICIPAL DECREES

Chapter III

Duties of Courts in Ensuring Uniformity in the Adjudication of Cases

¹² Established by Section 64 of Act CXXXVII of 2019, effective as of 1 April 2020.

¹³ Established by Section 64 of Act CXXXVII of 2019, effective as of 1 April 2020.

¹⁴ Established by Section 65 of Act CXXXVII of 2019, effective as of 1 April 2020.

¹⁵ Established by Section 65 of Act CXXXVII of 2019, effective as of 1 April 2020.

7. General provisions

Section 25¹⁶

In carrying out the functions delegated under Article 25(2) and (3) of the Fundamental Law the Kúria (*Curia*) shall adopt uniformity decisions, adjudicate uniformity complaints, perform jurisprudence analysis of cases resolved by final or definitive decision, and publish in accordance with Subtitle 51 Kúria decisions therein provided for.

Section 26¹⁷

(1) The head of college of the court of appeal and the general court, and the president of the district court shall monitor on an ongoing basis the decisions adopted by the courts they supervise.

(2) In the performance of the tasks provided for in Subsection (1), questions of principle resolved by final or definitive decision shall be presented:

a) by the president of the district court to the head of the college handling specific type of cases within the general court;

b) by the head of college of the general court to the head of the college handling specific type of cases within the court of appeal;

c) by the head of college of the court of appeal to the head of the college handling specific type of cases within the Kúria (*Curia*).

(3) Before the proceedings referred to in Subsection (2), the head of college of the general court or the court of appeal may consult the judges of the college affected by the question of principle.

Section 27

(1)¹⁸ In the interest of uniform case-law, the college of the Kúria (*Curia*) shall monitor the practice of the courts and shall express its opinion where there is any dispute in the application of the law. The colleges shall partake in jurisprudence analysis if so requested by the head of the working group examining judicial practice.

(2)¹⁹ In order to ensure coherence in judicial practices, the heads of colleges of courts of appeal and general courts shall motion for the opening of a unification procedure submitted to the party empowered to initiate unification procedure.

(3)²⁰

(4)²¹ The President of OBH shall notify the President of the Kúria if in his view a unification procedure should be conducted in order to ensure the uniform application of the law; the President of OBH does not have the right to motion for the opening of a unification procedure.

Section 27/A²²

No resolution for legal interpretation may be published in the deliberation of judicial bodies, court executives and/or judges where this is not delegated by legislation.

Section 28

(1)²³ The Kúria (*Curia*) shall be represented in the meetings of the colleges of courts of appeal and general courts.

¹⁶ Established by Section 66 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁷ Established by Section 66 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁸ Established by Section 67 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁹ Established by Section 67 of Act CXXVII of 2019, effective as of 1 April 2020.

²⁰ Repealed by Point 3 of Subsection (1) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

²¹ Established by Section 1 of Act CXI of 2012, effective as of 17 July 2012.

²² Enacted by Section 68 of Act CXXVII of 2019, effective as of 1 April 2020.

²³ Amended by Point 4 of Subsection (1) of Section 90 of Act CXXVII of 2019.

(2) A representative of the court of appeal shall attend meetings of colleges of general courts within its area of jurisdiction.

(3)²⁴

8. Working group examining judicial practice

Section 29

(1)²⁵ Working groups examining judicial practice shall be responsible to examine the case-law of the courts. Examination targets shall be defined on an annual basis by the President of the Kúria, following consultation with the colleges of the Kúria (*Curia*). As regards the examination targets the heads of court of appeal and general court colleges, the President of OBH and the Prosecutor General (hereinafter referred to collectively as “initiator”) may also present recommendations.

(2)²⁶ The head and members of the working group examining judicial practice shall be appointed by the President of the Kúria, separately for each subject, from among Kúria judges, based on a recommendation by the vice-presidents of the Kúria. The head of the group may - by recommendation of the initiator or if deemed necessary for the subject of examination - enlist judges assigned to lower courts and experts having theoretical or practical knowledge in the fields examined.

Section 30

(1)²⁷ The working group examining judicial practice shall sum up its opinion and findings in an executive summary. The college of the Kúria (*Curia*) of competence for the subject shall debate the executive summary and, if in agreement, the head of the group shall publish its conclusions on the website of the Kúria. At the same time, the president of the group shall publish the complete executive summary on the central intranet server of the judiciary (hereinafter referred to as “intranet”) as well.

(2) If the relevant conditions are satisfied, relying on the findings of the executive summary provided for in Subsection (1), the head of the relevant Kúria college may file a motion for opening a unification procedure, or may lodge a legislative initiative at the President of OBH through the President of the Kúria.

(3) In the course of the audit the working group examining judicial practice and the court executives shall cooperate.

(4) Administrative provisions relating to the working group examining judicial practice shall be laid down in the internal administration policy of the Kúria, and they shall be published on the website of the Kúria.

9.²⁸

Section 31²⁹

10. Motion for unification

Section 32³⁰

(1) A unification procedure shall be conducted:

²⁴ Repealed by Point 5 of Subsection (1) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

²⁵ Established by Section 69 of Act CXXVII of 2019, effective as of 1 April 2020.

²⁶ Amended by Point 1 of Subsection (1) of Section 89 of Act CXXVII of 2019.

²⁷ Last sentence amended by Paragraph a) of Subsection (19) of Section 11 of Act CCXLIII of 2013.

²⁸ Repealed by Point 6 of Subsection (1) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

²⁹ Repealed by Point 6 of Subsection (1) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

³⁰ Established by Section 70 of Act CXXVII of 2019, effective as of 1 April 2020.

a) if a uniformity decision is required in an issue of principle to achieve improvements in the case-law system or for the approximation of judgments, or for the amendment or withdrawal of a previous uniformity decision;

b) if an adjudication chamber of the Kúria (*Curia*) intends to deviate in questions of law from a decision of the Kúria published in the *Bírósági Határozatok Gyűjteménye (Register of Court Decisions)* (hereinafter referred to as “published Curia decision”).

(2) In the case referred to in Paragraph *b*) of Subsection (1), the Kúria chamber shall initiate a unification procedure and suspend the proceeding affected until the uniformity decision is adopted.

Section 33³¹

(1) A unification procedure shall be conducted when initiated by:

a) the President or head of college of the Kúria, or their deputies, or by the president of the court of appeal;

b) the chamber of the Kúria in the case referred to in Paragraph *b*) of Subsection (1) of Section 32; or

c) the Prosecutor General.

(2) The mover shall specify in the motion for uniformity decision the issues and the reasons for requesting the decision of the uniformity panel, and shall - in the case provided for in Paragraph *b*) of Subsection (1) of Section 32 - make a recommendation as to the substance of the decision. The motion shall have attached official copies of the court decisions affected by the motion.

11. Uniformity panel

Section 34

(1)³² The Kúria (*Curia*) has uniformity panels in criminal branches, in joint civil-economic-labor branches, and also in administrative branches (hereinafter referred to as “uniformity panel”). The uniformity panel is chaired by the President of the Kúria, the Vice-President, head of college or deputy head of college. The uniformity panel shall consist of a chair and six members. Members are selected by the chair of the uniformity panel.

(2) If a decision pending in a unification procedure concerns the uniformity panels of several different branches, the chair of the uniformity panel shall appoint judges representing the branches affected to the panel as commensurate. Such uniformity panel shall consist of a chair and six members, chaired by the President or Vice-President of the Kúria.

(3)³³ The mover of the motion for unification may not be the chair of the uniformity panel, except as provided in Subsection (4). In the case provided for in Paragraph *b*) of Subsection (1) of Section 32, members of the uniformity panel shall be selected to ascertain that no majority is allowed for members of the branch which intends to deviate in a question of law from the published Kúria decision, or for members of the chamber that adopted the published decision.

(4) All judges of the Kúria shall participate in the uniformity panel if the purpose of the unification procedure:

a) is the amendment or withdrawal of a previous uniformity decision; or

b) is to decide an issue of principle for improvements in the case-law system.

(5) The chair of the uniformity panel under Subsection (4) shall be the President or Vice-President of the Kúria.

³¹ Established by Section 70 of Act CXXVII of 2019, effective as of 1 April 2020.

³² Established by Subsection (1) of Section 71 of Act CXXVII of 2019, effective as of 1 April 2020.

³³ Established by Subsection (2) of Section 71 of Act CXXVII of 2019, effective as of 1 April 2020.

Section 35

In the cases provided for in Subsections (1) and (2) of Section 34 the uniformity panel shall have a quorum if all members are present and shall adopt its decision by simple majority. The uniformity panel provided for in Subsection (4) of Section 34 shall have a quorum if at least two-thirds of its members are attending and shall adopt its decisions subject to two-thirds majority of votes of the members present.

12. Unification procedure

Section 36

(1) Preparations for a unification procedure shall be made by the chair of the uniformity panel, including to appoint one or two judges to function as rapporteurs and to obtain opinions relating to the proposal.

(2) The chair of the uniformity panel shall send the motion for unification - if it was submitted not by the Prosecutor General - to the Prosecutor General together with the official copy of the court decision affected by the motion for unification. The Prosecutor General shall send to the Kúria (*Curia*) his assessment of the motion for unification within fifteen days of receipt of the motion.

Section 37

(1) Upon receipt of the motion, the chair of the uniformity panel shall set the date of the meeting, and shall notify the members of the uniformity panel thereof, including the persons who are entitled to attend by law. Uniformity panel meetings are conducted in closed sessions, they may be attended - apart from the members of the uniformity panel - by the mover, the Prosecutor General and persons ad hoc invited. The persons to be invited ad hoc may be recommended by the mover or a member of the uniformity panel, and the decision on invitation shall be made by the chair of the uniformity panel.

(2) If unavailable, the Prosecutor General may be represented in the meeting of the uniformity panel by the public prosecutor he has appointed.

Section 38

(1) The meeting shall be presided over by the chair of the uniformity panel. After the meeting is opened, the chair or the rapporteur judge shall present a summary of the motion for unification, and/or the essence of the issue of principle to be decided. In the meeting all participants shall have the right to speak, and the mover shall have the right to amend or withdraw the motion before the uniformity decision is adopted.

(2) After the speeches the chair of the uniformity panel shall declare the meeting adjourned. Subsequently, the uniformity panel shall pass its decision by way of voting after deliberation. Apart from the chair and members of the uniformity panel, only the keeper of the minutes may be present in the deliberation and during the voting.

(3) The chair of the uniformity panel may adjourn the meeting for important reasons.

Section 39

(1) The chair of the uniformity panel shall refuse the motion without any examination as to merits if presented by a person without proper entitlement.

(2) If the motion is withdrawn the panel shall dismiss the unification procedure without any examination as to merits, if the reasons provided for in Subsection (1) of Section 32 do not apply.

Section 40

(1) With the exception set out in Section 39, the uniformity panel shall conclude the procedure by means of a uniformity decision or a ruling of non-decision. The chair of the uniformity panel shall deliver the decision or ruling within fifteen days after the meeting to the mover of the motion and - if it was submitted not by the Prosecutor General - to the Prosecutor General as well.

(2) If the decision is for the motion for unification, the operative part of the decision shall contain directions relating to the issue of principle which is the subject-matter of, or closely connected to, the unification procedure.

(3) The uniformity panel shall not grant the motion and shall refrain from adopting a uniformity decision if passing a uniformity decision is not necessary.

(4) The reasoning of the uniformity decision, and of the ruling of non-decision shall specify the person who presented the motion for unification, the objective of the motion and the court decisions to which it pertains. Furthermore, it shall stipulate the differences of opinion relating to the issue of principle to be decided, if deemed necessary the essence of the relevant facts of the court decisions to which the motion pertains, if the motion is granted it shall give account of the reasons for the directives contained in the operative part, and the reasons for bringing a ruling of non-decision, if applicable.

Section 41

A uniformity decision - unless provided for by law to the contrary - shall not concern the parties and the ones obligated.

12/A.³⁴ Hearing uniformity complaints

Section 41/A³⁵

Uniformity complaints shall be adjudicated by the uniformity complaints chamber. The uniformity complaints chamber shall be chaired by the President or the Vice-President of the *Kúria* (*Curia*). The uniformity complaints chamber shall consist of the chair and eight members. Members are selected by the chair from the colleges of the *Kúria*, where each college shall be represented by at least one member.

Section 41/B³⁶

(1) A uniformity complaint may be filed against a *Kúria* decision:

a) adopted in connection with an application or petition for review (hereinafter referred to collectively as “application for review”) upholding the decision challenged for the appeal filed under the Act on the Code of Administrative Procedure was found unsubstantiated;

b) on the refusal of judicial review under the Code of Civil Procedure;

c) on the refusal to admit an application for review under the Act on the Code of Administrative Procedure;

provided that the application for review contained an allegation of deviation in a question of law from the published *Kúria* decision.

(2) A uniformity complaint may be filed also if the adjudication chamber of the *Kúria* deviates in a question of law from the published *Kúria* decision - without initiating the unification procedure - knowing that such deviation had not been applied in the decision of the lower courts.

(3) In the adjudication of a uniformity complaint, a judge who was disqualified according to the rules applicable to the underlying proceedings, and any judge who participated in proceedings preceding the decision contested by the uniformity complaint is excluded from the hearing.

³⁴ Enacted by Section 72 of Act CXXVII of 2019, effective as of 1 April 2020.

³⁵ Enacted by Section 72 of Act CXXVII of 2019, effective as of 1 April 2020.

³⁶ Enacted by Section 72 of Act CXXVII of 2019, effective as of 1 April 2020.

(4) A uniformity complaint may be lodged within thirty days from the date of delivery of the decision referred to in Subsections (1) and (2) at the Kúria by a person who has the right to submit an application for review under procedural law, or an appeal according to the Act on the Code of Administrative Procedure. In uniformity complaint proceedings a motion for the suspension of enforcement or for urgent legal aid may be submitted according to the rules applicable to the underlying proceedings. A motion for the suspension of enforcement or for urgent legal aid shall be presented in the uniformity complaint. The chamber of the Kúria hearing the case in the proceedings underlying the uniformity complaint shall forthwith bring the complaint, and the relevant documents, before the uniformity complaints chamber.

(5) In the uniformity complaint procedure the provisions of the Code of Civil Procedure applicable to:

- a) submissions;
 - b) the contents and the types of summons;
 - c) service of process;
 - d) demurrer to service;
 - e) calculating time limits;
 - f) judicial vacations;
 - g) the records of proceedings, with the exception of keeping records by way of single sequence recording containing visual images and sound alike;
- shall apply *mutatis mutandis* subject to the derogations provided for in this Subtitle.

(6) In addition to the general rules relating to submissions, the uniformity complaint shall specify:

- a) the decision against which the party makes the complaint;
- b) the published Kúria decision, from which the deviation in a question of law is alleged by the party.

(7) In the uniformity complaint procedures legal representation in accordance with the Code of Civil Procedure is mandatory.

(8) As regards the admission of a uniformity complaint, the uniformity complaints chamber shall examine it within thirty days from the date of delivery to the Kúria for the purpose of compliance with statutory requirements. If the uniformity complaint contains a motion for the suspension of enforcement or for urgent legal aid, it shall be determined within thirty days according to the rules governing the proceedings underlying the uniformity complaint.

(9) The uniformity complaints chamber shall - refraining from issuing a request for remedying deficiencies - reject the uniformity complaint if:

- a) it was submitted by a person without proper entitlement;
 - b) it was submitted without the involvement of legal counsel;
 - c) the procedural fee was not paid in full;
 - d) it was filed in delay;
 - e) it was submitted according to Subsection (1), however, in the application for review or in the appeal lodged according to the Act on the Code of Administrative Procedure the mover did not make an allegation of deviation in a question of law from the published Kúria decision;
- or
- f) it does not comply with the requirements set out in Subsection (6), and no appropriate supplement is made within the time limit referred to in Subsection (4).

(10) The uniformity complaints chamber shall communicate the uniformity complaint admitted to the persons who have the right to submit an application for review under procedural law, or an appeal according to the Act on the Code of Administrative Procedure in the underlying proceedings, excluding the mover, and such persons shall have the right to make a statement within thirty days from said communication.

(11) If the uniformity complaints chamber is of the opinion that a hearing is in order, it shall summon the complainant and the persons specified in Subsection (10) in accordance with the Code of Civil Procedure.

*Section 41/C*³⁷

(1) If the uniformity complaints chamber finds a deviation in a question of law from the published Kúria decision, it shall put forth a binding interpretation for the courts and shall:

- a) rule to uphold the decision contested by the complaint if the deviation was justified;
- b) establish the infringement resulting from the deviation, but it shall uphold the decision contested by the complaint if
 - ba) the complaint was lodged in a case where the duration of court proceedings was limited at five days by law,
 - bb) so ordered by another act;
- c) vacate the decision contested by the complaint, and orders the court which adopted the decision to carry out a new procedure and to give a new decision if the deviation was not justified.

(2) If the uniformity complaint pertains to a decision brought according to Paragraph b) or c) of Subsection (1) of Section 41/B and the uniformity complaints chamber finds a deviation in a question of law, it shall vacate the decision and shall order the court to open review proceedings.

(3) If the uniformity complaints chamber finds that no deviation took place in a question of law from the published Kúria decision, it shall refuse the uniformity complaint. It shall suffice to bring this into light in the reasons given for the decision, with the applied legislation also indicated.

(4) If the uniformity complaints chamber finds a deviation in a question of law from the published Kúria decision, the costs incurred in connection with the adjudication of the complaint shall be borne by the State.

(5) The decision brought under Paragraphs a) and b) of Subsection (1) shall have the effect of a uniformity decision, and shall be published in Magyar Közlöny (*Hungarian Gazette*) according to the rules on the publication of uniformity decisions.

(6) In cases reopened under Paragraph c) of Subsection (1) and under Subsection (2) the Kúria shall deliver its decision in priority proceedings.

13. Publication of uniformity decisions³⁸*Section 42*³⁹

(1) Uniformity decisions shall be published in the Magyar Közlöny (*Hungarian Gazette*), the Bírósági Határozatok Gyűjteménye (*Register of Court Decisions*), on the central website of the judiciary (hereinafter referred to as "central website") and the website of the Kúria (*Curia*). Uniformity decisions shall be binding upon the courts from the time of publication in the Magyar Közlöny.

(2) The Kúria may provide for other means of publication of uniformity decisions where it deems this appropriate.

(3) If the uniformity panel decided to abolish a uniformity decision, the annulment decision shall be published in the Magyar Közlöny. The uniformity decision may not be applied following the time of publication of the annulment decision.

(4) If the uniformity panel decided to abolish a uniformity decision, this shall be notified in the Bírósági Határozatok Gyűjteménye, on the central website and the website of the Kúria.

Section 43

Having regard to questions not regulated in this Chapter, additional provisions relating to unification procedures may be introduced by law.

³⁷ Enacted by Section 72 of Act CXXVII of 2019, effective as of 1 April 2020.

³⁸ Established by Section 73 of Act CXXVII of 2019, effective as of 1 April 2020.

³⁹ Established by Section 74 of Act CXXVII of 2019, effective as of 1 April 2020.

Section 44

Administrative provisions relating to unification procedures shall be laid down in the internal administration policy of the Kúria (*Curia*), and they shall be published on the website of the Kúria.

Chapter IV

Local Government Chamber of the Kúria⁴⁰

14. Composition of the local government chamber of the Kúria⁴¹

Section 45

(1) The Kúria (*Curia*) has a local government chamber for adjudicating the cases provided for in Article 25(2)c) and d) and Article 32(4) and (5) of the Fundamental Law.

(2) The local government chamber is comprised of three judges.

(3)⁴²

15.⁴³

Sections 46-56⁴⁴

16.⁴⁵

Section 57-61⁴⁶

Chapter V⁴⁷

17-18.⁴⁸

Sections 62-64⁴⁹

PART THREE

CENTRAL ADMINISTRATION OF COURTS

Chapter VI

President and Vice-President of OBH, and the OBH

19. President of OBH

Section 65

The President of OBH shall - in accordance with the constitutional doctrine of judicial independence - carry out the functions of central administration of the courts and shall exercise

⁴⁰ Amended by Point 1 of Subsection (2) of Section 90 of Act CXXVII of 2019.

⁴¹ Amended by Point 1 of Subsection (2) of Section 89 of Act CXXVII of 2019.

⁴² Repealed by Point 7 of Subsection (1) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

⁴³ Repealed by Point 2 of Subsection (2) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

⁴⁴ Repealed by Point 2 of Subsection (2) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

⁴⁵ Repealed by Section 374 of Act L of 2017, effective as of 1 January 2018.

⁴⁶ Repealed by Section 374 of Act L of 2017, effective as of 1 January 2018.

⁴⁷ Repealed by Paragraph a) of Section 16 of Act CXXXI of 2013, effective as of 1 August 2013.

⁴⁸ Repealed by Paragraph a) of Section 16 of Act CXXXI of 2013, effective as of 1 August 2013.

⁴⁹ Repealed by Paragraph a) of Section 16 of Act CXXXI of 2013, effective as of 1 August 2013.

oversight delegated by the annual Budget Act under the chapter of courts, and supervise the administrative activities of the presidents of courts of appeal and general courts.

20. Election of the President of OBH

Section 66⁵⁰

The President of OBH shall be elected in accordance with Article 25(6) of the Fundamental Law by Parliament from among the judges appointed for an indefinite period of time who served at least five years as a judge. The President of OBH may not be re-elected.

Section 67

(1) The President of the Republic shall make a recommendation for the President of OBH within three months before the previous president's mandate expires, at the latest on the forty-fifth day before the previous president's mandate expires.

(2)⁵¹ If the mandate of the President of OBH is terminated due to the reasons specified in Paragraphs *b)-f)* of Subsection (1) of Section 70, the President of the Republic shall make a recommendation for the President of OBH within thirty days.

(3) The candidate shall be heard by the Parliament's Judicial Committee. Any candidate who is renominated by the President of the Republic after an unsuccessful election shall not be heard again.

(4) The election shall be held within fifteen days of nomination. If the candidate is not elected by Parliament, the President of the Republic shall make another recommendation at the latest within thirty days.

21. Legal status of the President of OBH

Section 68

(1) The following persons may not be elected as President of OBH:

a) any member of the OBT;

*b)*⁵² any person who is subject to disciplinary or - with the exception of proceedings instituted by private prosecution or substitute private prosecution - criminal proceedings;

c) any person being under disciplinary action;

d) any person who is currently being investigated for reasons of incompetence;

e) any person whose service relationship as a judge has been suspended on the strength of law; or

f) any person who is considered - according to the Code of Civil Procedure - related to any member of the OBT or any court executive who falls within the appointment authority of the President of OBH.

(2) The President of OBH shall take office on the day following the day when his predecessor's mandate terminated, or if elected after his predecessor's mandate terminated, on the day of appointment.

Section 69

(1) Unless otherwise provided for by law, the provisions pertaining to judges shall also apply to the President of OBH.

(2)⁵³ The provisions of Subsection (1) shall also apply if the service relationship as a judge of the President of OBH ceases.

⁵⁰ Established by Subsection (1) of Section 14 of Act CXXXI of 2013, effective as of 1 August 2013.

⁵¹ Amended by Paragraph a) of Section 15 of Act CXXXI of 2013.

⁵² Established by Subsection (1) of Section 3 of Act CXXII of 2018, effective as of 1 January 2019.

⁵³ Amended by Paragraph b) of Section 16 of Act CXXXI of 2013.

22. Vacancy of the office of President of OBH

Section 70

(1)⁵⁴ The mandate of the President of OBH shall terminate:

- a) upon expiry of the term of office;
- b) when service relationship as a judge is terminated;
- c) upon resignation;
- d)⁵⁵ upon declaration of conflict of interest;
- e) by dismissal; or
- f) upon disqualification from office.

(2)⁵⁶ In the cases provided for in Paragraphs a)-c) of Subsection (1), termination of the mandate of the President of OBH shall be declared by the Speaker of the Parliament. In the cases provided for in Paragraphs d)-f) of Subsection (1), the decision relating to the termination of mandate lies with Parliament.

(3) The Speaker of the Parliament shall inform the President of the Republic on the termination of the mandate of the President of OBH within eight days from the date of establishment thereof.

(4)⁵⁷

Section 71

(1) The President of OBH may resign from office any time without giving any reason, by means of tendering his resignation in writing submitted to the Speaker of the Parliament through the President of the Republic. A declaration of acceptance is not required for the effectiveness of the resignation.

(2) The period of resignation from office shall be six months, unless there is an agreement between the parties for a shorter period of time. The period of notice on resignation shall commence on the day when the letter of resignation is delivered to the Speaker of the Parliament.

Section 72

(1) If the President of OBH fails to resolve the conflict of interest within thirty days from the date of appointment, or if any conflict of interest arises while in office, Parliament shall decide on the declaration of conflict of interest, upon the written recommendation of the President of the Republic, following consultation with the Parliamentary Committee on Conflict of Interest, within thirty days following the date of receipt of the recommendation.

(2) If, during the conflict of interest procedure, the President of OBH eliminates the conflict of interest, no declaration of conflict of interest shall be made.

(3) During the existence of conflict of interest the President of OBH may not exercise the rights and authorities stemming from his office.

Section 73

Mandate shall be terminated by way of dismissal of the President of OBH if unable to fulfill his vested responsibilities for more than ninety days for reasons beyond his control. Dismissal may be proposed by the President of the Republic.

⁵⁴ Established by Subsection (2) of Section 14 of Act CXXXI of 2013, effective as of 1 August 2013.

⁵⁵ As regards unenforceable amendment see Subsection (31) of Section 158 of Act XXXVI of 2012.

⁵⁶ Established by Subsection (1) of Section 92 of Act XIV of 2014. Enters into force following the next general election of Members of the Parliament, on the day of the constitutive sitting of the new Parliament, 6 May 2014. See Resolution No. 157/2014 (IV. 18.) KE.

⁵⁷ Repealed by Section 14 of Act CXI of 2012, effective as of 17 July 2012.

Section 74

(1) Mandate shall be terminated by way of disqualification from office if the President of OBH fails to fulfill his vested responsibilities for more than ninety days for reasons within his control, or if considered unworthy of office due to some action, or acts committed or omitted. A proposal for disqualification from office may be submitted to Parliament by the President of the Republic or OBT by means of a decision adopted by two-thirds majority of its members.

(2) A proposal for disqualification from office may be presented by the entities entitled under Subsection (1) following due examination of the underlying reasons, with a detailed explanation of the reasons and the underlying documents attached. The Parliament's Judicial Committee shall examine the proposal and shall make a recommendation to Parliament as to the contents of the resolution.

Section 75

(1)⁵⁸ Upon the expiry of the term in office of the President of OBH, he shall be transferred without tender to a court of at least the same level as before his presidential mandate, or at least to the office of president of chamber to a general court or higher if having served as district court or administrative and labor court judge previously.

(2)⁵⁹ If the mandate of the President of OBH is terminated before his fixed term expires, he shall be given a judge's bench without call for applications - if possible - at his previous place of service in the same or higher position.

23. Duties of the President of OBH

Section 76

(1) The President of OBH, in his overall central administration responsibility:

a) shall devise and update at least annually the long-term tasks of judiciary administration, including a program laying down the conditions for the implementation thereof;

b) shall lay down statutory provisions - in the form of normative guidelines - for the judiciary in discharging his administrative duties, and shall adopt recommendations and directives;⁶⁰

c) shall represent the courts;

d)⁶¹ may introduce bills of legislation concerning the judicial system to the entity entitled to initiate legislation;

e) shall provide an assessment of bills of legislation relating to the judiciary - excluding municipal decrees - relying on an analysis of the opinions of the courts, obtained through OBH;

f) shall be invited to participate in that part of the meetings of the parliamentary committees where bills of legislation concerning the judicial system are debated.

(2) The President of OBH in his function related to the management of OBH:

a) shall direct the activities of OBH;

b) shall establish the organizational and operational regulations of OBH; and

c) shall make recommendations for the appointment and dismissal of the vice-presidents of OBH.

(3) The President of OBH in his function related to the budget of courts:

a)⁶² shall prepare a proposal for the budget for courts following consultation with the OBT having regard to the court chapter of the act on the central budget and the OBT, and with the President of the Kúria having regard to the Kúria (*Curia*), including a presentation of their opinion, and shall prepare a report for the implementation thereof, and the Government shall

⁵⁸ Amended by Paragraph c) of Section 16 of Act CXXXI of 2013.

⁵⁹ Amended by Paragraph c) of Section 16 of Act CXXXI of 2013.

⁶⁰ See OBH Directive 13/2012 (X. 18.), OBH Directive 14/2012 (X. 18.), OBH Directive 15/2012 (X. 18.), OBH Directive 16/2012 (X. 18.), OBH Directive 17/2012 (X. 18.), OBH Directive 18/2012 (X. 18.), OBH Directive 19/2012 (X. 18.), OBH Directive 12/2012 (X. 1.).

⁶¹ Established by Subsection (1) of Section 4 of Act CXI of 2012, effective as of 17 July 2012.

⁶² Established by Subsection (2) of Section 4 of Act CXI of 2012, effective as of 17 July 2012.

present this proposal to Parliament unaltered, as part of the bill on the act on the central budget and the bill on the act for the implementation thereof;

b) shall be invited to participate in the Government meetings and meetings of the Parliament Budget Committee debating the budget chapter on the judiciary of the bill on the act on the central budget and the bill on the act for the implementation thereof;

c) shall perform the functions of the head of the body vested with powers to control the chapter having regard to the judiciary chapter of the act on the central budget, with the understanding that the interim budget appropriations of the Kúria may be transferred with the agreement of the President of the Kúria to the budgetary agencies under the same chapter, excluding the transfers required in connection with any changes in the staff headcount of budgetary agencies;

d) shall manage the funds allocated under the judiciary chapter;

e) shall oversee the internal control of the courts;

f) shall define the annual amount of "cafeteria" benefits in collaboration with the interest representation bodies; and

g) shall lay down the detailed conditions for and the amount of other benefits in collaboration with the interest representation bodies.

(4) The President of OBH in his function related to collecting statistics, case allocation and workload assessment.⁶³

a)⁶⁴ shall define the headcount of judiciary and judicial staff of courts based on the staff headcount set out in the budget chapter on the judiciary of the act on the central budget, and on the average national workload indices for contentious and non-contentious proceedings, in the case of general courts headcount is to be combined with the district courts located in their area of jurisdiction;

b)⁶⁵

c)⁶⁶

d) shall define the main duties relating to the collection and processing of statistical data in the judicial system; and

e) shall devise and, if necessary, annually review the data sheet and methods for the assessment of the workload of judges, review at least once a year the charts on workloads and case load statistics at the national level, and shall define the national workload for contentious and non-contentious proceedings broken down according to judicial level and case types.

(5) The President of OBH in his function related to staff issues:

a) shall publish tender notices to fill vacant positions of judges;

b) shall make recommendations to the President of the Republic for the appointment and dismissal of judges;

c) shall assign the judge - in the case provided for in the Act on the Legal Status and Remuneration of Judges - initially to the court indicated in the application;

d) shall assign judge advocates to military tribunals and to other judicial offices when their professional service relation with the Hungarian Army ends;

e)⁶⁷ shall assign - in accordance with the Act on the Legal Status and Remuneration of Judges - judges for hearing the cases provided for in Subsection (4) of Section 680 of Act XC of 2017 on the Code of Criminal Procedure and the judges serving as court mediators, and, by recommendation of the president of the general court, the judges hearing administrative and labor cases in the general court, and shall, furthermore, decide on the withdrawal of appointment as provided for in the Act on the Legal Status and Remuneration of Judges;

f)⁶⁸ may assign a judge to the Kúria, the OBH, to the ministry directed by the minister in charge of the judicial system, furthermore, a judge hearing administrative disputes to the body

⁶³ As regards unenforceable amendment see Subsection (3) of Section 4 of Act CXI of 2012.

⁶⁴ Established by Subsection (1) of Section 11 of Act CCXLIII of 2013. Amended by Point 8 of Subsection (1) of Section 90 of Act CXXVII of 2019.

⁶⁵ Repealed by Paragraph d) of Section 16 of Act CXXXI of 2013, effective as of 1 August 2013.

⁶⁶ Repealed by Section 14 of Act CXI of 2012, effective as of 17 July 2012.

⁶⁷ Established by Subsection (2) of Section 11 of Act CCXLIII of 2013. Amended by Paragraph d) of Section 4 of Act CXXII of 2018, Point 2 of Subsection (1) of Section 89 of Act CXXVII of 2019.

⁶⁸ Established by Subsection (1) of Section 75 of Act CXXVII of 2019, effective as of 1 April 2020.

provided for in the Act on the Legal Status and Remuneration of Judges (hereinafter referred to as “relevant body”), and shall decide on the withdrawal of such assignment and transfer the judge back to his original judicial office;

g) shall decide on the transfer of judges;

h)⁶⁹ shall decide on the secondment of judges to other post, if secondment does not take place between the general court and a district court located in its area of jurisdiction, or between district courts located in the general court’s area of jurisdiction;

i) shall decide on the long-term foreign service of judges;

j) shall decide whether to maintain the employment of a judge in the light of assessment of the realized loss of competence or jurisdiction of a court;

k)-l)⁷⁰

m) shall appoint and dismiss the court executives provided for by law;

n)⁷¹

o) shall determine the number of associate judges to be elected for any particular court taking into consideration the number of constituents in the nationality electoral roll and the entire constituency of the municipalities affected, where each nationality self-government shall be given the opportunity to elect at least one associate judge.

(6) The President of OBH in his function related to the administration of the courts:

a) shall approve the organizational and operational regulations of courts of appeal and general courts;

b)⁷² shall direct and supervise the administrative activities of president judges - other than the president judges of district courts -, including the monitoring of compliance with the provisions concerning the governance of the judiciary, administrative time limits and regulations, and conducting investigations and inspections in that respect;

c) shall perform the examination of court executives falling within his appointment authority; and

d) shall take the measures falling within his authority and which are deemed necessary based on its findings under Paragraphs b) and c) and supervise their implementation, and may initiate the opening of disciplinary proceedings.

(7) The President of OBH in his function related to training:

a) shall decide on training programs on a centralized level and supervise their implementation, and shall draw up the regional training program; and

b) shall lay down the rules relating to the training framework for judges and for compliance with the requirement for further training;

c)⁷³ shall appoint the head of the Magyar Igazságügyi Akadémia (*Hungarian Academy of Justice*);

d)⁷⁴ shall define the central consolidated training regime for court clerks.

(8) The President of OBH in his function related to information:

a) shall inform the OBT semi-annually on its activities;

b) shall inform the President of the Kúria, and the presidents of courts of appeal and general courts annually on its activities;

c)⁷⁵ shall report annually to Parliament on the overall situation of the judiciary and on the administrative activities of the courts, and also to the Parliament’s Judicial Committee once in between the yearly reports;

d) shall provide for the publication of the Bírósági Határozatok Gyűjteménye (*Register of Court Decisions*);

e) shall order - at the request of the minister in charge of the judicial system - the collection of data at the courts required for the preparation of legislation and for monitoring the enforcement of law; and

⁶⁹ Established by Subsection (2) of Section 75 of Act CXXVII of 2019, effective as of 1 April 2020.

⁷⁰ Repealed by Section 14 of Act CXI of 2012, effective as of 17 July 2012.

⁷¹ Repealed by Section 14 of Act CXI of 2012, effective as of 17 July 2012.

⁷² Amended by Point 9 of Subsection (1) of Section 90 of Act CXXVII of 2019.

⁷³ Enacted by Section 81 of Act CXVII of 2012. Amended by Paragraph a) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

⁷⁴ Established by Subsection (3) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

⁷⁵ Established by Subsection (4) of Section 4 of Act CXI of 2012, effective as of 17 July 2012.

f) shall provide information - at the request of the minister in charge of the judicial system - relating to the organization and administration of courts and on issues related to judicial practices to the extent necessary for legislation purposes, upon obtaining the opinions of the courts where deemed necessary.

(9) The President of OBH in his other functions:

a) shall execute the functions relating to the financial disclosure statements submitted by the president judges of courts of appeal and county courts;

b)⁷⁶ shall recommend to the OBT the award of the title of “honorable general court judge”, “honorable high court judge”, “honorable Curia judge”, “Curia counselor” if the decision lies with the OBT according to the Act on the Legal Status and Remuneration of Judges, or the title of “principal counselor” or “counselor” in the case of judicial staff, as well as the award of any decoration, citation, merit or plaque, furthermore, if the President of OBH is delegated by the Act on the Legal Status and Remuneration of Judges for awarding titles, shall decide on the award of the title of “honorable general court judge”, “honorable high court judge”, “honorable Curia judge” or “Curia counselor”;

c) provide for the exercise of rights of interest representation bodies; and

d) discharge other duties conferred under his competence by law.

(10)⁷⁷ The President of OBH shall be entitled to use data from the records of budgetary agencies under the same chapter to the extent necessary with a view to discharging his functions relating to:

a) overall central administration;

b) the management of human resources;

c) the budget for courts;

d) collecting statistics, case allocation and workload assessment;

e) personnel issues;

f) the administration of courts; and

g) training.

Section 77

(1) The President of OBH shall exercise the entitlements provided for in Section 76 in respect of the Kúria (*Curia*) and the President of the Kúria having regard to the rights and obligations accrued upon the President of the Kúria by law, subject to the derogations stemming from such rights and obligations.

(2)⁷⁸ The decisions of the President of OBH shall be delivered to those affected in writing without delay, within not more than eight days at the latest. The President of OBH is required to give reasons for his decisions to the extent deemed necessary.

(3)⁷⁹ The regulations of the President of OBH shall be published in the Magyar Közlöny (*Hungarian Gazette*), his recommendations and - with the exception set out in Subsection (5) - decisions shall be posted on the central website and published in the official journal of the judiciary.

(4)⁸⁰ The President of OBH shall publish on the central website the report prepared to Parliament on the overall situation of the judiciary and on the administrative activities of the courts, and the records on the interviews of applicants for executive positions falling within his authority as regards their appointment.

(5) Regular and procedural decisions adopted by the President of OBH in connection with the operations of OBH shall be made available over the intranet.

(6) The President of OBH shall publish a press release on his public-interest decisions.

(7)⁸¹ The President of OBH shall prepare the information or report referred to in Paragraphs a)-c) of Subsection (8) of Section 76 providing details of his powers affected under Section 76, with special emphasis on the criteria and circumstances for exercising the authorities

⁷⁶ Established by Subsection (1) of Section 78 of Act LXXXVI of 2012, effective as of 1 July 2012.

⁷⁷ Enacted by Subsection (4) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

⁷⁸ Last sentence enacted by Subsection (1) of Section 5 of Act CXI of 2012, effective as of 17 July 2012.

⁷⁹ Amended by Paragraph e) of Section 16 of Act CXXXI of 2013.

⁸⁰ Established by Subsection (2) of Section 5 of Act CXI of 2012, effective as of 17 July 2012.

⁸¹ Enacted by Subsection (3) of Section 5 of Act CXI of 2012, effective as of 17 July 2012.

provided for in Paragraph *b*) of Subsection (4) of Section 76, and Paragraphs *b*), *h*) and *m*) of Subsection (5) of Section 76.

*Section 77/A*⁸²

(1) Judges may challenge regulations introduced by the President of OBH by way of constitutional complaint submitted to the Alkotmánybíróság (*Constitutional Court*) if the conditions set out in the Act on the Constitutional Court for lodging a constitutional complaint are satisfied.

(2)⁸³ The decisions adopted by the President of OBH related to staff issues, affecting the service relationship of a judge may be challenged by that judge by initiating a labor dispute, except if the dispute arising in connection with the service relationship falls within the jurisdiction of the court of judges.

24. Vice-presidents of OBH

*Section 78*⁸⁴

(1) OBH employs vice-presidents, and at least one of them shall be a judge.

(2) Unless otherwise provided for by law, the vice-presidents of OBH shall take the place of the President of OBH, if prevented from attending, not including if the position is vacant, in the order determined by the President of OBH. If the office of the President of OBH is vacant, the vice-president of OBH who has the longest service relationship as a judge shall take the place of the President of OBH. The duties of the President of OBH shall be taken over by the President of OBH if there is no eligible person to take his place.

Section 79

(1)⁸⁵ The President of the Republic shall appoint the vice-presidents of OBH by way of tender procedure, upon the recommendation of the President of OBH, for an indefinite period of time.

(2) The tender notice shall be published and made available to the general public. The tender notice shall be published by the President of OBH, otherwise the tender procedure shall be governed by the provisions of Section 130.

(3)⁸⁶ Any person to whom either of the reasons giving cause to conflict of interest enumerated in Subsection (1) of Section 68 applies may not be appointed as vice-president of OBH, or any person who, according to the Code of Civil Procedure, is considered related to the President of OBH.

Section 80

(1)⁸⁷ A vice-president of OBH shall be either a judge or a judicial employee.

(2)⁸⁸ The President of OBH shall exercise employer's rights in respect of the vice-presidents of OBH.

(3)⁸⁹ Unless otherwise provided for by law, the regulations applicable to judges shall also apply to the vice-president of OBH, if a judge.

Section 81

(1) The mandate of the vice-president of OBH shall terminate:⁹⁰

⁸² Enacted by Subsection (4) of Section 5 of Act CXI of 2012, effective as of 17 July 2012.

⁸³ Amended by Point 3 of Subsection (1) of Section 89 of Act CXXVII of 2019.

⁸⁴ Established by Subsection (5) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

⁸⁵ Amended by Paragraph b) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

⁸⁶ Amended by Paragraph c) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

⁸⁷ Amended by Paragraph d) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

⁸⁸ Amended by Paragraph e) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

⁸⁹ Established by Subsection (6) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

⁹⁰ Amended by Paragraph f) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

- a) upon resignation;
- b) upon declaration of conflict of interest;
- c) by dismissal; or
- d) upon termination of service relationship.

(2)⁹¹ In the cases provided for in Paragraphs *a*) and *d*) of Subsection (1), termination of the mandate of the vice-president of OBH shall be declared by the President of OBH. In the cases provided for in Paragraphs *b*) and *c*) of Subsection (1), the decision relating to the termination of mandate lies with President of the Republic by recommendation of the President of OBH.

Section 82

Resignation shall be tendered in writing to the President of OBH. The period of notice on resignation shall be six months. The President of OBH shall have authority to set a shorter period of notice on resignation. The mandate shall cease to exist on the day indicated in the decision of termination thereof. Resignation shall not interfere with any disciplinary proceeding that is in progress against the person concerned.

Section 83

- (1)⁹² If the vice-president of OBH fails to resolve the conflict of interest within thirty days from the date of appointment, or if any conflict of interest arises while in office, the President of the Republic shall decide on the declaration of conflict of interest, on the written recommendation of the President of OBH, within thirty days following the date of receipt of the recommendation.
- (2)⁹³ If, during the conflict of interest procedure, the vice-president of OBH eliminates the conflict of interest, no declaration of conflict of interest shall be made.
- (3) During the existence of conflict of interest the vice-president of OBH may not exercise the rights and authorities stemming from his office.

Section 84⁹⁴

The President of the Republic shall dismiss the vice-president of OBH based on a proposal by the President of OBH with a detailed explanation of the reasons and the underlying documents attached.

Section 85⁹⁵

Subsection (1) of Section 75 shall also apply to the termination of mandate, if the vice-president of OBH affected is a judge.

25. The OBH

Section 86

- (1) The OBH is a central budgetary agency that manages its own financial affairs. The OBH is seated in Budapest.
- (2) The OBH is directed by the President of OBH.
- (3) The OBH:
 - a) shall prepare the decisions of the President of OBH and shall provide for their implementation, and shall perform administration functions for OBT;
 - b)⁹⁶ shall represent the OBH and the judiciary in court proceedings;

⁹¹ Amended by Paragraph e) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

⁹² Amended by Paragraph e) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

⁹³ Amended by Paragraph e) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

⁹⁴ Amended by Paragraph b) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

⁹⁵ Amended by Paragraph b) of Subsection (19) of Section 11 of Act CCXLIII of 2013.

⁹⁶ Amended by Subsection (2) of Section 14 of Act XX of 2013.

- c) shall operate the central register of judges, and shall process the financial section of the financial disclosure statements of the judges; and
d) shall discharge other duties conferred under its competence by law.

Section 87

- (1) Judges - provided their consent is obtained - may also be assigned to work at the OBH whether for a fixed or unspecified period, or for specific duties.
(2) The President of OBH shall have exclusive authority to initiate any disciplinary proceeding against a judge assigned to the OBH.
(3) Unless otherwise provided for by law, the provisions applicable to judges shall also apply to judges assigned to the OBH.

Chapter VII

Supervision of the Central Administration of Courts

26. Staff and composition of OBT

Section 88

- (1)⁹⁷ OBT functions as the supervisory body of the central administration of courts. In addition to its supervisory tasks, OBT shall also take part in the management of courts.
(2) OBT is seated in Budapest.
(3) OBT is comprised of fifteen persons, including the President of the Kúria and fourteen judges.
(4) The conference of delegate judges shall elect by secret ballot, by a qualified majority, fourteen judges from the delegates to participate in OBT.

Section 89

- (1) OBT is directed and represented by the President.
(2) The office of President of OBT shall be occupied by the members taking turn at half-year intervals, beginning with the judge who has the longest service relationship as a judge, followed by the ones next in line chronologically.
(3) The vice-president of OBT shall take the place of the President of OBT, if prevented from attending. The office of vice-president of OBT shall be occupied by the members taking turn at half-year intervals, beginning with the judge who has the second longest service relationship as a judge, followed by the ones next in line chronologically.

Section 90

- (1) A candidate judge must have at least five years of experience in judicial practice to be elected to OBT.
(2) The following persons may not be elected as members of OBT:
a)⁹⁸ any person who is subject to disciplinary or - with the exception of proceedings instituted by private prosecution or substitute private prosecution - criminal proceedings;
b) any person being under disciplinary action;
c) any person who is currently being investigated for reasons of incompetence;
d) any person who cannot, by law, participate in judicature stemming from his position, and whose status as a judge has been legally suspended;
e) any person who, according to the Code of Civil Procedure, is considered related to the President of OBH or the President or Vice-President of the Kúria, or the president or vice-president of any court of appeal or general court;

⁹⁷ Established by Subsection (1) of Section 43 of Act CCVII of 2013, effective as of 11 December 2013.

⁹⁸ Established by Subsection (2) of Section 3 of Act CXXII of 2018, effective as of 1 January 2019.

- f)⁹⁹ any person who in the year of election reaches the age stipulated as a reason for dismissal;
or
g) any person who held membership in OBT previously.

Section 91

- (1)¹⁰⁰ Members of the OBT are elected by the conference of delegates from among the delegate judges, including one court of appeal judge, six general court judges and seven district court judges.
(2) Simultaneously with electing the judge members of OBT, the conference of delegates shall also elect fourteen judges, as provided for in Subsection (1), from among the delegates - by setting up a sequence according to the number of votes so as to prevent a tie - as alternates.
(3) If the number of persons receiving sufficient majority to be elected exceeds the limits set out in Subsections (1) and (2), from among the candidates nominated according to the judicial levels provided for in Subsection (1) those shall be considered elected members (alternates) of OBT - within the legal limits - who received the most votes.

Section 92

If the number of alternate members drops below five, in consequence of which OBT can no longer function properly or the upper limits referred to in Subsection (1) of Section 91 cannot be ensured, a new election shall be arranged to elect replacements to bring the number of alternate members back up to fourteen.

Section 93

Delegates for the conference of delegates are elected in the plenary meeting of the *Kúria* (*Curia*), or in the plenary session of judges of the court of appeal and general court by a majority vote of those present.

Section 94

- (1) The plenary meeting of the *Kúria* (*Curia*), and the plenary session of court of appeal and general court judges shall elect delegates by secret ballot according to the maximum permissible number of judges of the court, one delegate each for twenty judges. One additional delegate shall be elected if the last remaining fraction is over ten. The number of delegates elected may not exceed twenty and may not be less than two - or three in the case of general courts - even if one delegate or no delegate can be elected in compliance with the maximum permissible number of judges.
(2) A person can be nominated and elected as delegate if he can be elected for OBT membership under the conditions set out in Section 90.
(3)¹⁰¹ The delegates elected by a general court shall include at least one district court judge.
(4)¹⁰² The judges assigned to the *Kúria*, the OBT, the ministry of the minister in charge of the judicial system, and the judges assigned to the relevant body shall vote in the plenary session of the court where they served immediately before their appointment.

Section 95

- (1) All judges are entitled to make a recommendation for the delegates.
(2) The judge recommended shall issue a statement of acceptance of the nomination within five days before the plenary session of judges.

⁹⁹ Amended by Paragraph a) of Subsection (1) of Section 14 of Act XX of 2013.

¹⁰⁰ Established by Section 76 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁰¹ Established by Section 77 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁰² Established by Section 77 of Act CXXVII of 2019, effective as of 1 April 2020.

(3) If the judge recommended accepts the nomination, he shall submit his autobiography enclosed with the statement referred to in Subsection (2), containing also a program envisaged for his OBT membership.

Section 96

(1) The presidents of the courts referred to in Section 93 shall convene the plenary sessions of judges for electing delegates at least four months prior to the expiry of the mandate of the OBT. If the plenary session fails to reach a quorum, it shall reconvene within not more than fifteen days. The reconvened plenary session of judges shall have a quorum regardless of the number of judges present.

(2) The plenary session of judges shall adopt its decisions on the delegates by secret ballot, by simple majority.

Section 97

(1) Elected delegates shall send their CV to the President of OBH within eight days following their election.

(2) The President of OBH shall ask the most senior delegate (hereinafter referred to as "ranking member of delegates") to convene and preside over the conference of delegates.

(3)¹⁰³ At the time of making the request referred to in Subsection (2), the President of OBH shall invite - with the autobiographies included - the four-member nomination committee, made up of the most senior Kúria, court of appeal, general court, district court delegates, to make recommendations in accordance with Subsection (1) of Section 99 for members and alternates from among the delegates.

Section 98

(1) The ranking member of delegates shall convene the conference of delegates via the President of OBH at least two months prior to the expiry of the mandate of OBT and shall send the autobiographies to the delegates.

(2) The conference of delegates shall have a quorum when more than half of the delegates are present. If the conference of delegates fails to reach a quorum, it shall reconvene at the latest within fifteen days. The reconvened conference of delegates shall have a quorum regardless of the number of delegates present.

(3) The conference of delegates shall be presided by the ranking member of delegates.

(4) The President of the Kúria and the President of OBH may attend, without the right to make nomination and without the right to vote, the conference of delegates and shall be heard.

Section 99

(1) The nomination committee shall make recommendations for delegates of judge members (regular and alternate) of OBT taking into account the upper limit provided for in Subsection (1) of Section 91, the representation of the various types of cases and the principle of regionality. Further recommendations may be made by any delegate. The ballot sheet shall indicate the person supported by at least one-third of the delegates attending.

(2) Candidates whose names appear on the ballot sheet shall declare as to whether any grounds for disqualification under this Act apply.

Section 100

(1) The candidates who received the highest number of valid votes, provided that over 50 per cent of the votes (majority) are received, shall be considered elected regular members or alternates in the number specified by law. Voting shall continue until a sufficient number of delegates received enough votes to be elected in accordance with Subsections (1) and (2) of

¹⁰³ Established by Section 78 of Act CXXVII of 2019, effective as of 1 April 2020.

Section 91. Votes shall be counted by a counting committee comprising the three youngest and not delegated judges of the Kúria (*Curia*).

(2) The ranking member of delegates shall send the minutes containing the results of the election held in the conference of delegates to the President of OBH within three days, who shall forward it without delay to the President of the Kúria and to the presidents of courts of appeal and general courts.

Section 101

The detailed regulations for the nomination and election of judge members and alternates for OBT are laid down in the organizational and operational regulations of OBT.

Section 102

The mandate of OBT and its elected judge members (alternates) shall be for a term of six years from the first meeting of OBT. The mandate of OBT shall terminate on the day when the first meeting of the newly elected OBT is held. The first meeting of the newly elected OBT shall be held within fifteen days from the date when its judge members are elected.

27. Functions of OBT

Section 103

(1) In the field of overall central administration, OBT:

a) shall oversee the central administration activity of the President of OBH, and shall notify the President of OBH where considered appropriate;

b)¹⁰⁴ shall recommend to the President of OBH the exercise of the right provided for in Paragraph d) of Subsection (1) of Section 76;

c) shall form an opinion on the directives and recommendations issued by the President of OBH;

d)¹⁰⁵ shall approve the rules of procedure of the court of judges and shall post it on the central website, and shall approve the report of the court of judges on its previous year's case load and judicial practice and shall make it available on the intranet;

e)¹⁰⁶ shall approve the Code of Ethics of judges, and shall publish it on the central website.

(2) In the field of budget planning, OBT:

a) shall assess the proposal for the budget of courts and the report on the implementation thereof;

b) shall monitor the financial management of the courts; and

c) shall assess the detailed conditions for and the amount of other benefits.

(2a)¹⁰⁷ In the field of collecting statistics, case allocation and workload assessment, OBT:

a) may order - on an exceptional and duly justified basis - to grant priority to cases that concern the majority of the population or that are of the utmost importance with respect to the general public;

b)¹⁰⁸

(3)¹⁰⁹ In the field of human resources, OBT:

a) shall, upon conducting personal interviews, convey its prior opinion concerning the person nominated to the President of OBH and the President of the Kúria;

b) shall lay down the criteria for the evaluation of applications having regard to the competence of the President of OBH and the President of the Kúria where they intend to hire the applicant ranked second or third for the position in question;

¹⁰⁴ Established by Subsection (1) of Section 7 of Act CXI of 2012, effective as of 17 July 2012.

¹⁰⁵ Established by Subsection (7) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁰⁶ Enacted by Subsection (7) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁰⁷ Enacted by Subsection (3) of Section 7 of Act CXI of 2012, effective as of 17 July 2012.

¹⁰⁸ Repealed by Paragraph f) of Section 16 of Act CXXXI of 2013, effective as of 1 August 2013.

¹⁰⁹ Established by Subsection (4) of Section 7 of Act CXI of 2012, effective as of 17 July 2012.

- c) shall exercise the right of consent in the evaluation of applications where the President of OBH or the President of the Kúria intend to hire the applicant ranked second or third for the position in question;
- d) shall exercise the right of consent in connection with the appointment of court executives where the applicant did not receive the consent of the assessment body [Subsection (6) of Section 132];
- e)¹¹⁰ shall decide concerning the granting of consent for the re-appointment of the president judges of courts of appeal, general courts and district courts, and their deputies, if the president or the vice president in question has already completed two terms in the same office;
- f) shall publish its opinion once a year regarding the way the President of OBH and the President of the Kúria evaluates applications for judge's and court executive's positions;
- g) shall appoint the president and members of the court of judges;
- h) may grant exemption in the case of any conflict of interest existing between a court executive and his relative serving as a judge in the court under his supervision;
- i) shall conduct the supervisory procedure related to the financial disclosure statements made by judges;
- j) may award, by recommendation of the President of OBH, the title of "honorable general court judge", "honorable high court judge", "honorable Curia judge", "Curia counselor", or the title of "principal counselor" or "counselor" in the case of judicial staff, or may make a recommendation for the award of decoration, may award citation, merit or plaque at the initiative of the President of OBH, or may consent for the award of a citation, merit or plaque given by others;
- k) may concede, in the event of resignation of a judge, to reduce the period of notice below three months, or may excuse the judge from work duty for the period of notice on resignation in full or in part; and
- l)¹¹¹ shall decide, upon the retirement of a judge or upon reaching the age stipulated as a reason for dismissal, pursuant to the Act on the Legal Status and Remuneration of Judges on the period of exemption from work duty during the period of resignation.
- (4) In the field of training, OBT:
- a) shall make a recommendation for the central training regime; and
- b) shall assess the rules relating to the training framework for judges and to compliance with the requirements for further training.
- (5) OBT shall discharge other duties conferred under its competence by law.

28. Operation of OBT

Section 104

- (1)¹¹² OBT shall define its budget before the year to which it pertains, and shall consequently make an agreement thereon with the President of OBH. The budget of OBT constitutes a separate chapter within the budget of OBH. The technical requirements for the operation of OBT is provided for by OBH.
- (2) OBT shall adopt its decisions relating to matters falling under its responsibility in meetings. Matters requiring extraordinary or immediate attention may be decided otherwise.

Section 105

- (1) OBT meetings shall convene at least four times every year, or as necessary. The President of OBT shall convene the meetings.
- (2)¹¹³ An OBT meeting shall be called and the proposed issues shall be put on the agenda when supported by at least one-third of all OBT members. Items for which the OBT is responsible may be proposed for the agenda of an OBT meeting by the plenary meeting of the Kúria (*Curia*), and by the plenary session of any court of appeal or general court judges.

¹¹⁰ Amended by Point 10 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹¹¹ Amended by Paragraph b) of Subsection (1) of Section 14 of Act XX of 2013.

¹¹² Established by Section 8 of Act CXI of 2012, effective as of 17 July 2012.

¹¹³ Established by Section 9 of Act CXI of 2012, effective as of 17 July 2012.

- (3) OBT shall have a quorum when at least two-thirds of its members are present.
(4) OBT shall adopt its decisions by simple majority vote. In case of a draw, the President shall have a casting vote.

Section 106¹¹⁴

(1) OBT meetings shall be open for the judges, unless OBT ordered the meeting to be held in camera. The President of OBH, the minister in charge of the judicial system, the Prosecutor General, the President of the Magyar Ügyvédi Kamara (*Hungarian Bar Association*), the President of the Magyar Országos Közjegyzői Kamara (*Hungarian Association of Notaries Public*) and the President of OBT shall attend in an advisory capacity, as well as experts invited by those attending in an advisory capacity and the representatives of civil and other interest representation bodies invited by the President of OBT. The keeper of the minutes shall also attend the OBT meeting.

(2)¹¹⁵ If prevented from attending the OBT meeting, a State secretary shall take the place of the minister in charge of the judicial system, a judge vice-president of OBH shall take the place of the President of OBH, a deputy shall take the place of the General Prosecutor, and the vice-presidents shall take the place of President of the Magyar Ügyvédi Kamara and the President of the Magyar Országos Közjegyzői Kamara.

(3) OBT may order the meeting to be held in camera where this is deemed absolutely necessary for the protection of classified information, trade secrets or any other information that is rendered confidential by specific other act, or if justified with a view to protecting the personal rights of any party heard in the meeting. If the meeting is held in camera, those otherwise having the right to attend in an advisory capacity shall also be prevented from entering, unless otherwise provided for by OBT.

Section 107

(1)¹¹⁶ Oral proceedings of the meetings of OBT shall be recorded in minutes, public-interest decisions concerning the governance of the judiciary and the activities of judges, affecting the majority of the judges, are fixed in a summary report. The President of OBT shall provide for the preparation of the minutes and the summary report. The subjects to be included in the summary report, and the contents of the report shall be decided by OBT during the meeting. If the meeting is held in camera, the summary report shall not contain the subjects discussed.

(2) The minutes contain the names of those attending, the agenda as approved, the order of deliberation of the items of the agenda, including the names of speakers, the essence of their position, the voting if one is held, the manner and the outcome of voting, and the wording of the decision.

(3) The report shall contain a brief summary of the agenda discussed and the decisions made during the meeting.

Section 108

(1) The central website shall also contain information concerning the annual timetable of meetings of OBT, the report of the meetings, and the summary report on the prior opinion following the interview of candidates aspiring for the office of President of the Kúria and President of OBH.

(2) The minutes of OBT meetings shall be published on the intranet, excluding OBT meetings held in camera.

Section 109

Detailed rules for the operation of OBT are laid down in the organizational and operational regulations.

¹¹⁴ Established by Subsection (1) of Section 10 of Act CXI of 2012, effective as of 17 July 2012.

¹¹⁵ Amended by Paragraph c) of Subsection (19) of Section 11 of Act CCXLIII of 2013.

¹¹⁶ Established by Subsection (2) of Section 10 of Act CXI of 2012, effective as of 17 July 2012.

29. Legal status of OBT members

Section 110

- (1) Membership in the OBT shall not affect the judge's status, the judge's accreditation and - unless otherwise provided for by law - the exercise of employer's rights.
- (2) An elected judge member of the OBT may not be recalled.
- (3) An elected judge member of the OBT may be subjected to disciplinary proceeding solely upon the consent of OBT.
- (4) Members of the OBT may not exercise the rights and obligations stemming from their OBT membership:
 - a)¹¹⁷ while implicated in disciplinary or criminal proceedings, with the exception of proceedings instituted by private prosecution or substitute private prosecution;
 - b) while under investigation for reason of unsuitability to serve as a judge.
- (5) Members of the OBT may not vote in matters in which they are concerned.

Section 111

- (1) Membership of a judge elected to the OBT shall terminate:
 - a) upon expiry of the term of office;
 - b) when service relationship as a judge is terminated;
 - c) upon resignation of OBT membership;
 - d) if condemned in a disciplinary or criminal proceeding by final decision;
 - e) if any reason governed in Paragraphs d) and e) of Subsection (2) of Section 90 occurs during the judge's membership and it is not eliminated within thirty days;
 - f) if expelled from OBT by a two-thirds majority decision for any breach imputable to him of the obligations stemming from his OBT membership or for any prolonged infringement, serious negligence or omission; or
 - g) in the event of any change taking place in the judicial level to which the judge has been assigned originally, and in consequence the number of judges representing the given judicial level exceed the number provided for in Subsection (1) of Section 91.
- (2) The OBT membership of the President of the Kúria shall cease when his mandate as President of the Kúria terminates.

30. Rights and Obligations of OBT Members

Section 112

- (1) Members of the OBT shall have the right and obligation to participate in the work of OBT, and, to the extent necessary,
 - a) they shall be authorized to inspect documents related to the operations of OBT and the OBH, and to request data and information from the President of OBH;
 - b) they shall have the right to contribute to the agenda of OBT meetings; and
 - c) they shall be entitled to be compensated for the expenses incurred in connection with their membership.
- (2) OBT members shall be under obligation to keep classified information in the strictest confidentiality.
- (3) Members of OBT shall be relieved from their duties as judges to the extent necessary to carry out their membership-related duties.

¹¹⁷ Amended by Paragraph e) of Section 4 of Act CXXII of 2018.

31. Alternate members of OBT

Section 113

(1) Alternate members of the OBT - having regard to Subsection (1) of Section 91 - shall replace elected members in the sequence determined on the basis of the number of votes they received.

(2) Alternate members of the OBT shall be subject to the provisions pertaining to regular members.

PART FOUR

MANAGEMENT AND GOVERNANCE OF COURTS

Chapter VIII

President of the Kúria and Court Executives

32. President of the Kúria

Section 114

(1)¹¹⁸ The President of the Kúria (*Curia*) shall be elected in accordance with Article 26(3) of the Fundamental Law by Parliament from among the judges appointed for an indefinite period of time who served at least five years as a judge. In calculating the period of judge's service relationship, the experience gained while serving as judge, senior consultant or constitutional court judge in an international organization of the judiciary, or as senior consultant in the Office of the Constitutional Court shall be taken into consideration as well.

(2) The following persons may not be elected to the office of President of the Kúria:

a)¹¹⁹ any person who is subject to disciplinary or - with the exception of proceedings instituted by private prosecution or substitute private prosecution - criminal proceedings;

b) any person being under disciplinary action;

c) any person who is currently being investigated for reasons of unsuitability; or

d) any person whose service relationship as a judge has been suspended on the strength of law.

(3) In the election of the President of the Kúria Subsections (1), (3) and (4) of Section 67 shall apply *mutatis mutandis*. If the mandate of the President of the Kúria is terminated due to the reasons specified in Paragraphs b)-f) of Subsection (1) of Section 115, the President of the Republic shall make a recommendation for the President of the Kúria within thirty days.

(4) Subsection (2) of Section 68 shall apply *mutatis mutandis* to the President of the Kúria when taking office.

Section 115

(1) The mandate of the President of the Kúria shall terminate:

a) upon expiry of the term of office;

b) when service relationship as a judge is terminated;

c) upon resignation;

d) upon declaration of conflict of interest;

e) by dismissal; or

f) upon disqualification from office.

¹¹⁸ Established by Section 1 of Act XXIV of 2019, effective as of 1 January 2020.

¹¹⁹ Established by Subsection (3) of Section 3 of Act CXXII of 2018, effective as of 1 January 2019.

(2)¹²⁰ In the cases provided for in Paragraphs *a*-*c*) of Subsection (1), termination of the mandate of the President of the Kúria shall be declared by the Speaker of the Parliament. In the cases provided for in Paragraphs *d*)-*f*) of Subsection (1), the decision relating to the termination of mandate lies with Parliament.

(3) The Speaker of the Parliament shall inform the President of the Republic on the termination of the mandate of the President of the Kúria within eight days from the date of establishment thereof.

(4) If the mandate of the President of the Kúria ceased due to the reason provided for in Paragraph *a*) of Subsection (1) and Parliament has not elected a new president before the mandate terminated, the President of the Kúria shall remain in office until the new president is elected.

Section 116

(1) The provisions of Sections 71-74 shall apply to resignation, conflict of interest, dismissal and disqualification from office subject to the exception that disqualification from office may be proposed by the President of the Republic only.

(2) Upon the expiry of the term in office of the President of the Kúria, he shall be transferred to the office of president of chamber to the Kúria (*Curia*) without a call for tender.

(3) If the mandate of the President of the Kúria is terminated before his fixed term expires, he shall be given a judge's bench without a call for tender - if possible - at his previous place of service in the same or higher position.

Section 117

(1) The President of the Kúria:

a) shall direct and represent the Kúria (*Curia*);

b) shall report to Parliament annually on the activities performed in order to ensure coherence in judicial practices by Kúria, and shall inform the courts of appeal and general courts thereof;

c) shall report to Parliament annually on carrying out the duties relating to monitoring municipal decrees to establish whether they are considered unlawful, for their annulment if found unlawful, and in connection with a municipal government's failure to comply with its statutory legislation obligation;

d) shall assess the proposal for the budget of courts relating to the Kúria and the report on the implementation thereof;

e) shall provide for the personnel and material conditions for the operation of the Kúria from the funding available;

f) shall direct the financial and economic activities of the Kúria;

g) shall exercise the employer's rights conferred upon him by law,

h) shall monitor the Kúria's compliance with procedural time-limits;

i) shall enforce compliance with administrative and executive regulations at the Kúria;

j) shall draw up organizational and operational regulations along the guidelines laid down by the President of OBH, define the duty roster and work schedule for the Kúria and approve the work schedule of Kúria colleges, and monitor the way they are carried out;

k) shall direct and supervise the administrative activities of Kúria executives, including their assessment;

l) shall provide for the operation of bodies of judges and call the plenary meeting of the Kúria;

m) shall provide for interest representations to exercise their rights;

n) shall make arrangements for and provide training and further training courses under his competence;

o) shall inform the President of OBH and the plenary meeting and other employees of the Kúria once a year concerning:

oa) the operation of the Kúria, on its case load and financial standing,

¹²⁰ Established by Subsection (2) of Section 92 of Act XIV of 2014. Enters into force following the next general election of Members of Parliament, on the day of the constitutive sitting of the new Parliament, 6 May 2014. See Resolution No. 157/2014 (IV. 18.) KE.

- ob) the goals set for the next calendar year with a view to the efficient and correct implementation of operational programs and on the administrative measures taken to that end,
- oc) the execution of goals and actions set for the previous calendar year, and on their outcome;
- p) shall be held responsible for keeping records containing personal data as prescribed by law in connection with the operation of courts as well as records by order of the President of OBH having regard to data protection regulations, and for supplying data from these databases;
- q) shall be held responsible for the implementation of the decisions of the President of OBH in due time;
- r) shall provide for having the Kúria's office hours and client service procedures published on the central website, and also on the Kúria's own website; and
- s)¹²¹ may request the Alkotmánybíróság (*Constitutional Court*) to review the compliance of certain legislation with the Fundamental Law, and, within thirty days of the date of promulgation, compliance with procedural requirements set out in the Fundamental Law pertaining to the adoption and the promulgation of the Fundamental Law and any amendment thereof;
- t)¹²² shall discharge other duties conferred under his competence by the relevant legislation, regulations of the President of OBH or decision of the President of OBH.
- (2)¹²³ The reports and information referred to in Paragraphs b) and c) of Subsection (1) shall be posted on the central website and published in the official journal of the judiciary.
- (3)¹²⁴ The President of the Kúria may carry out the functions provided for in Paragraphs e), g)-j), n), r) and t) of Subsection (1) by way of the Vice-President of the Kúria, the secretary-general and deputy secretary-general of the Kúria as provided for in the organizational and operational regulations.

33. Court executives

Section 118

(1) Court executives are:

- a)¹²⁵ the presidents of courts of appeal, general courts and district courts (hereinafter referred to as "president of the court");
- b)¹²⁶ the vice-presidents of the Kúria (*Curia*), courts of appeal, general courts and district courts (hereinafter referred to as "vice-president of the court");
- c) heads of colleges;
- d) deputy heads of colleges;
- e) heads of groups;
- f) deputy heads of groups;
- g) presidents of chambers.

(1a)¹²⁷ In addition to those listed under Subsection (1) the secretary-general and deputy secretary-general of the Kúria shall also be recognized as court executives.

(2) The court executive's responsibility is the governance of the court or a department of the court.

(3) The court executive shall be responsible to ensure that the court, and any department of the court effectively functions in due compliance with the relevant legislation, and with the policies and decisions issued by the President of OBH.

(4)¹²⁸ The secretary-general of the Kúria shall perform the operational functions relating to the Kúria, organization, control and coordination functions connected to the preparation and implementation of the President's decisions, as well as administrative functions delegated by

¹²¹ Established by Subsection (3) of Section 14 of Act CXXXI of 2013, effective as of 1 August 2013.

¹²² Enacted by Subsection (4) of Section 14 of Act CXXXI of 2013, effective as of 1 August 2013.

¹²³ Amended by Paragraph e) of Section 16 of Act CXXXI of 2013.

¹²⁴ Established by Section 79 of Act CXXVII of 2019, effective as of 1 January 2020.

¹²⁵ Amended by Point 11 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹²⁶ Amended by Point 11 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹²⁷ Enacted by Subsection (9) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹²⁸ Enacted by Subsection (10) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

the organizational and operational regulations, and other duties specified in Subsection (3) of Section 117.

(5)¹²⁹ The deputy secretary-general of the Kúria shall be vested with full powers when taking the place of the secretary-general - if unavailable for any reason, including if the position is vacant - and shall discharge the administrative duties conferred upon him under the organizational and operational regulations of the Kúria.

34. President of the court

Section 119

The president of the court:

- a) shall provide for the personal and material conditions for the operation of the court from the funding available;
- b) shall exercise the employer's rights conferred upon him by law;
- c) shall direct the court's financial and economic affairs;
- d) shall monitor compliance with procedural time-limits;
- e) shall enforce compliance with administrative and executive regulations;
- f) shall draw up organizational and operational regulations along the guidelines laid down by the President of OBH, define the duty roster and work schedule for the court under his direction and approve the work schedule of colleges, and monitor the way they are carried out;
- g) shall supervise and control the administrative activities of subordinate court executives;
- h) shall provide for the operation of bodies of judges and call the plenary session of judges;
- i) shall provide for interest representations to exercise their rights;
- j) shall perform the functions of and make arrangements for training and further training courses under his competence;
- k) shall inform the President of OBH and the plenary session and other employees of the court once a year concerning:
 - ka) the operation of the court, on its case load and financial standing,
 - kb) the goals set for the next calendar year with a view to the efficient and correct implementation of operational programs and on the administrative measures taken to that end,
 - kc) on the implementation of targets specified for the given period in the project document enclosed with his application,
 - kd) on the execution of goals and actions set for the previous calendar year, and on their outcome;
- l) shall be held responsible for keeping records containing personal data as prescribed by law in connection with the operation of courts as well as records by order of the President of OBH having regard to data protection regulations, and for supplying data from these databases;
- m) shall be held responsible for the implementation of the decisions of the President of OBH in due time;
- n) shall provide for having the court's office hours and client service procedures published on the central website, and also - when such is available - on the court's own website; and
- o) shall discharge other duties conferred under his competence by the relevant legislation, regulations of the President of OBH or decision of the President of OBH.

Section 120¹³⁰

In addition to the functions provided for in Section 119, the president of the general court shall supervise and oversee the administrative activities of the presidents of district courts located in its area of jurisdiction.

Section 121

In addition to the functions provided for in Section 119, the president of the court of appeal:

¹²⁹ Enacted by Subsection (10) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹³⁰ Amended by Point 12 of Subsection (1) of Section 90 of Act CXXVII of 2019.

- a)¹³¹ shall partake in coordinating the training of judges and judicial staff of the courts located in its area of jurisdiction;
- b) shall, in accordance with the decision of the President of OBH on regional training, coordinate the regional training of judges serving in its area of jurisdiction.

*Section 122*¹³²

The president of the court of appeal shall perform the functions provided for in Section 119 adjusted to the needs of the court in question, such as:

- a) making efficient use of the funds placed at his disposal, including the exercise of the right of assignment and to undertake commitments; any expenditure that exceeds the framework of regular operations - the amount limit of which is defined in the organizational and operational regulations - shall be subject to the prior approval of the president judge of the general court;
- b) his authority concerning wage and human resources management and overall employer's rights shall only include court officials, administrative employees and manual laborers;
- c) reporting annually to the judges and other court employees on the implementation of targets specified for the given period in the project document enclosed with his application, and on the execution of goals and actions set for the previous calendar year, and on their outcome.

35. Vice-presidents

Section 123

(1) Vice-presidents shall be vested with full powers when taking the place of the president - if unavailable for any reason, including if the position is vacant - and shall discharge the administrative duties conferred upon them under the court's organizational and operational regulations.

(2)¹³³ Unless otherwise provided for by law, the vice-presidents of the Kúria (*Curia*) shall take the place of the President of the Kúria, if indisposed, not including if the position is vacant, in the order determined by the President of the Kúria. If the office of the President of the Kúria is vacant, the vice-president who has the longest service relationship at the Kúria as a judge shall take the place of the President of the Kúria, with the exception provided for in Subsection (4) of Section 115.

(3)¹³⁴ In addition to what is contained in Subsection (2), the vice-president of the Kúria shall put forth a proposal for case allocations.

(4)¹³⁵ The vice-president of the Kúria may carry out the functions of the head of college as well.

36. Head of college and deputy head of college

Section 124

(1) The head of college shall:

- a) organize the work of the college;
- b) report annually to the college:
 - ba) on the implementation of targets specified for the given period in the project document enclosed with his application,
 - bb) on the execution of goals and actions set for the previous calendar year, and on their outcome; and
- c) discharge other duties conferred under his competence by the relevant legislation, regulations of the President of OBH or decision of the President of OBH, or under the court's organizational and operational regulations.

¹³¹ Established by Subsection (11) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹³² Amended by Point 13 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹³³ Established by Section 80 of Act CXXVII of 2019, effective as of 1 January 2020.

¹³⁴ Enacted by Section 80 of Act CXXVII of 2019, effective as of 1 January 2020.

¹³⁵ Enacted by Section 80 of Act CXXVII of 2019, effective as of 1 January 2020.

(2) The deputy head of college shall take the place of the head of college - if unavailable for any reason, including if the position is vacant - and shall discharge the administrative duties conferred upon him under the court's organizational and operational regulations.

(3)¹³⁶ Subject to the exception set out in Subsection (4), a deputy head of college shall function at the court designated by the President of OBH.

(4) In the Kúria (*Curia*) a deputy head of college shall serve in the college designated by the President of the Kúria.

(5)¹³⁷

37. Head of group and deputy head of group

Section 125

(1) The head of group shall:

a) organize the work of the group;

b) report annually to the group:

ba) on the implementation of targets specified for the given period in the project document enclosed with his application,

bb) on the execution of goals and actions set for the previous calendar year, and on their outcome;

c) discharge other duties conferred under his competence by the relevant legislation, regulations of the President of OBH or decision of the President of OBH, or under the court's organizational and operational regulations.

(2) The deputy head of group shall take the place of the head of group - if unavailable for any reason, including if the position is vacant - and shall discharge the administrative duties conferred upon him under the court's organizational and operational regulations.

(3) Deputy heads of group shall work at the courts designated by the President of OBH.

38. Presidents of chambers

Section 126

The president of chamber shall head the chamber and organize its work.

39. Appointment of court executives

Section 127

(1)¹³⁸ Only judges appointed for an indefinite period of time may be appointed to the offices of court executives [Subsections (1) and (1a) of Section 118]. Court executives - with the exception set out in Subsection (2) - are appointed for terms of six years.

(2) Presidents of chambers are appointed for unspecified terms.

(3) Subject to the exception set out in Subsection (4), the president judges of courts, and their deputies, may be appointed for the same court executive position for two terms at most.

(4) If a president or vice-president of a court has already completed two terms in the same executive position, he may be appointed for the same court executive position subject to the prior consent of the OBT.

Section 128

(1) The President of the Republic shall - on a recommendation by the President of the Kúria - appoint the vice-presidents of the Kúria (*Curia*).

¹³⁶ Established by Section 81 of Act CXXVII of 2019, effective as of 1 April 2020.

¹³⁷ Repealed by Point 14 of Subsection (1) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

¹³⁸ Amended by Paragraph d) of Subsection (19) of Section 11 of Act CCXLIII of 2013.

(2)¹³⁹ The President of OBH shall appoint the president and vice-presidents of courts of appeal and general courts, and the heads of colleges of courts of appeal and general courts.

(3)¹⁴⁰ The President of the Kúria shall appoint the heads and deputy heads of college and presidents of chambers of the Kúria, as well as the secretary-general and deputy secretary-general of the Kúria.

(4) The president of the court of appeal shall appoint the deputy heads of college and the presidents of chambers of the court of appeal.

(5)¹⁴¹ The president of the general court shall appoint the deputy heads of colleges and the presidents of chambers of the general court, as well as the presidents and vice-presidents, and the heads and deputy heads of groups of the district court.

Section 129¹⁴²

If the appointing authority is other than the president of the court affected by the appointment, a recommendation from the president of the court affected by the appointment shall be obtained, with the exception if the position applied for is the president of the court.

Section 130

(1) Court executive positions shall be filled by way of tender unless otherwise prescribed in this Act or the Act on the Legal Status and Remuneration of Judges.

(2) Tender notices for the vice-president of the Kúria shall be published by the President of the Kúria; for other executive positions they shall be published by the competent authority. Tender documents shall specify all requirements for the executive position to which they pertain.

(3) With the exception of presidents of chambers, the applications shall have enclosed a project document containing the applicant's long term plans concerning the operation of the court, the college or group, as applicable, covering also the timetable for the implementation of such plans. The application shall also contain the applicant's consent for the appointing authority to obtain and process documents for the evaluation and assessment of the applicant judge.

Section 131

The following shall comment on the applicants by way of secret ballot:

a) the plenary meeting of the Kúria having regard to the vice-president and head of college of the Kúria;

b) the plenary session of judges of the appropriate level in the case of the president and vice-president, and head of college of the court of appeal and general court;

c)¹⁴³ the college of the appropriate level and type in the case of the heads, deputy heads of colleges and presidents of chambers of the Kúria, courts of appeal and general courts, and the heads and deputy heads of groups of general courts;

d)-f)¹⁴⁴

g) the judges of the court affected in the case of the president and vice-president of the district court;

h) the appropriate group in the case of the head and deputy head of group of the district court.

Section 132

(1) The appointing authority shall interview the applicants.

¹³⁹ Amended by Point 15 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹⁴⁰ Established by Subsection (12) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁴¹ Amended by Point 16 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹⁴² Established by Section 82 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁴³ Amended by Paragraph e) of Subsection (19) of Section 11 of Act CCXLIII of 2013.

¹⁴⁴ Repealed by Point 17 of Subsection (1) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

(2) The appointing authority shall - based on the application, and upon interviewing the applicant, and relying on the recommendation of the assessment body - conclude the procedure by the appointment of an applicant, or shall declare the tender procedure inconclusive.

(3) The assessment body shall present its recommendation in the sequence of voting rights.

(4)¹⁴⁵ The appointing authority shall make its decision taking into consideration the recommendation of the assessment body. The appointing authority shall not be bound by the recommendation of the assessment body, however, if the decision is contradictory to the recommendation the reasons must be detailed in writing.

(5)¹⁴⁶ If the decision of the President of OBH and the President of the Kúria differs from the recommendation of the assessment body, or assessment bodies in the case of a head of college, the reasons for such deviation shall be communicated at the time of appointment in writing to the OBT, and OBT shall convey its reasons in the next sitting of OBT. The explanation provided by the President of OBH and the President of the Kúria in writing, and reiterated in the next sitting of OBT, shall not affect the appointment of the court executive, save where Subsection (6) applies.

(6)¹⁴⁷ If the President of OBH or the President of the Kúria intends to appoint an applicant who was not supported by the majority of the assessment body, the President of OBH or the President of the Kúria shall - before the appointment - obtain the prior opinion of OBT on the applicant. The applicant in question may be appointed if the OBT gave its consent.

(7) The appointing authority shall notify the President of OBH of its decision without delay, except where the appointment falls within the competence of the President of OBH, and - if the applicant to be appointed is other than a judge assigned to the court affected - shall request the transfer of the judge.

Section 133

(1) A tender procedure shall be declared inconclusive if none of the applications are accepted by the appointing authority. If the tender is declared inconclusive, a new tender shall be published.

(2) If the new tender procedure is also declared inconclusive, the court executive position may be filled by a person selected by the appointing authority for a maximum of one year.

(3) If the president and vice-president of the court is absent or unable to discharge his duties for over two months at the same time - including if the position is vacant - the President of OBH shall have powers to appoint an executive from among the ones of the given court to the post of president or vice-president for up to six months.

Section 134

The provisions of the Act on the Legal Status and Remuneration of Judges relating to applications for judges' positions shall also apply to matters not regulated in this Act concerning tenders for court executive positions.

40. Rights and obligations of court executives, executive assessments

Section 135

Court executives are required to partake in the training sessions specified by the President of OBH and - if the appointing authority is other than the President of OBH - by the appointing authority, covering inter alia the field of management.

¹⁴⁵ Established by Section 11 of Act CXI of 2012, effective as of 17 July 2012.

¹⁴⁶ Established by Subsection (13) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁴⁷ Established by Section 11 of Act CXI of 2012, effective as of 17 July 2012.

Section 136

- (1) Subject to the exceptions set out in Subsections (2)-(4), the management activities of a court executive may be inspected by the appointing authority, or by the President of the Kúria having regard to a vice-president of the Kúria, as deemed necessary, in any event at least once, during the year preceding the time when the executive's mandate is scheduled to expire.
- (2) The management activities of a president of chamber may be inspected by the appointing authority as deemed necessary, at least once in every six years.
- (3)¹⁴⁸ The inspection shall be carried out on a recommendation by the assessment body, or by the chamber of judges in connection with the presidents of district courts, including their deputies, heads of group and deputy heads of group.
- (4) If:
- a) the President of OBH finds that the court executive failed to carry out its decisions or to enforce the provisions of its internal policies, the President of OBH,
- b)¹⁴⁹ the plenary session of judges, or the assessment body moves to have the court executive removed, or the chamber of judges in the case of the presidents of district courts, including their deputies, heads of group and deputy heads of group, the appointing authority shall order the investigation of the court executive's management activities.

Section 137

- (1) The inspection shall be concluded within sixty days from the date when ordered.
- (2) If based on the findings of the inspection there is reasonable suspicion of any disciplinary infraction, the appointing authority shall move for the opening of disciplinary proceedings under the Act on the Legal Status and Remuneration of Judges.
- (3) The procedure and criteria for the inspections shall be determined by the President of OBH in its regulation.

41. Termination of employment in a court executive position

Section 138

Employment of a court executive shall be terminated:

- a) upon expiry of the term of office;
- b) when service relationship as a judge is terminated;
- c) by mutual consent;
- d)¹⁵⁰ upon resignation;
- e) by dismissal;
- f)¹⁵¹ if the judicial body, department or organization supervised by the court executive appointed for a term of limited duration ceases to exist; or
- g)¹⁵² if the judge is placed on the reserve service roster at his request.

Section 139

- (1) In the case of resignation, a notice period of three months shall be provided. The parties concerned may agree in a shorter period of notice on resignation.
- (2) Resignation shall not interfere with any disciplinary proceeding that is in progress against the resigning executive.

¹⁴⁸ Amended by Point 18 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹⁴⁹ Amended by Point 18 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹⁵⁰ Amended by Paragraph g) of Subsection (20) of Section 11 of Act CCXLIII of 2013.

¹⁵¹ Enacted by Subsection (14) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁵² Enacted by Subsection (14) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

Section 140

(1) If the inspection provided for in Section 136 found that a court executive is unfit for the position, he shall be relieved of his duties with immediate effect.

(2) The court executive relieved from office may lodge an appeal against the decision in the court of judges within fifteen days from the date when it was delivered.

Section 141¹⁵³

(1) Upon the expiry of the term of mandate in office of a vice-president, the secretary-general or deputy secretary-general of the Kúria (*Curia*), or the president of a court of appeal or general court, including their deputies and heads of college, they shall be appointed without tender to the office of president of chamber at a court of the same level.

(2) The court executives not mentioned in Subsection (1) shall be employed, at the end of their original term in office, in positions consistent with their previous positions as court judges.

(3) If the office of a court executive is terminated before his fixed term expires, he shall be assigned without tender - if possible - to his previous place of service as a court judge in the same or higher position.

Chapter IX

Bodies of Judges

42. Common provisions

Section 142¹⁵⁴

The following bodies of judges shall participate in the governance of courts:

a) the plenary meeting of the Kúria (*Curia*) and the plenary session of judges of courts of appeal and general courts (hereinafter referred to collectively as “plenary session of judges”);

b) colleges; and

c) the chamber of judges of the Kúria, courts of appeal and general courts.

43. Plenary session of judges

Section 143¹⁵⁵

The plenary session of judges shall be attended by the judges assigned to the Kúria (*Curia*), to courts of appeal, in the case of general courts to the general court and to district courts under the general court.

Section 144

The plenary session of judges shall:

a) elect delegates for the election of members to the OBT;

b) form an opinion on the applications submitted for court executive positions specified in Paragraphs a) and b) of Section 131, and may move to initiate the examination of such executives;

c) elect the members of the chamber of judges and shall hear its report on its activities at least once a year;

d)¹⁵⁶ decide to terminate the membership of any member of the chamber of judges;

¹⁵³ Established by Section 83 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁵⁴ Established by Section 84 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁵⁵ Amended by Point 19 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹⁵⁶ Established by Section 12 of Act CXI of 2012, effective as of 17 July 2012.

- e)¹⁵⁷ decide on lodging a motion for the dismissal of court executives originally appointed by the President of OBH; and
f)¹⁵⁸ propose items for which the OBT is responsible for the agenda of an OBT meeting to be discussed by the OBT.

Section 145

- (1) The plenary session of judges shall be called by the president judges of the courts listed under Paragraphs a)-c) of Section 16.
(2) The plenary session of judges shall convene when requested by one-third of the judges, the president of the court, the chamber of judges, or by the President of OBH.

Section 146

- (1) The plenary session of judges shall have a quorum when more than half of the judges are attending. If the plenary session fails to reach a quorum, it shall reconvene at the latest within fifteen days. The reconvened plenary session of judges shall have a quorum regardless of the number of judges present. The plenary session of judges shall adopt its decisions by secret ballot in the absence of a decision to the contrary.
(2) The plenary session of judges shall adopt its decisions by simple majority.

44. Chamber of judges

Section 147

- (1) Regular and alternate members of the chamber of judges are elected by the plenary session of judges for a term of six years.
(2) If the number of regular and alternate members of the chamber of judges collectively drops below five, a new election shall be arranged for the plenary session of judges to elect replacements as necessary.

Section 148

- (1) The chamber of judges shall comprise five to fifteen regular and three to thirteen alternate members; the number of regular and alternate members shall be determined by the plenary session of judges. In the course of discharging its functions governed by the Act on the Legal Status and Remuneration of Judges in proceedings for the appointment of judges (interviewing applicants and their ranking according to the number of points awarded for their applications) the chamber of judges of the general court - with the exception under Subsection (2) - shall have attached two judges from the court of appeal - designated by the president of the court of appeal -, and the chamber of judges of the court of appeal shall have attached two judges from the Kúria (*Curia*), designated by the President of the Kúria, where these judges shall have the same rights and obligations as other members of the chamber of judges.
(2)¹⁵⁹ If the notice of vacancy is published for a labor court judge at the general court, the chamber of judges of the general court shall have one additional judge assigned by the head of the labor college of the competent court of appeal. If the notice of vacancy is published for an administrative court judge at the general court, the chamber of judges of the general court shall have two additional judges assigned from the college of the Kúria of the same branch, designated by the President of the Kúria, where these judges shall have the same rights and obligations as other members of the chamber of judges. If the notice of vacancy is published for a labor court judge at the court of appeal, the chamber of judges of the court of appeal shall have one additional judge assigned from the college of the Kúria of the same branch.
(3) The chamber of judges shall elect its chair and vice chair from within.
(4) The following persons may not hold a seat in the chamber of judges:

¹⁵⁷ Established by Section 12 of Act CXI of 2012, effective as of 17 July 2012.

¹⁵⁸ Enacted by Section 12 of Act CXI of 2012, effective as of 17 July 2012.

¹⁵⁹ Established by Section 85 of Act CXXVII of 2019, effective as of 1 April 2020.

- a)¹⁶⁰ any person who is subject to disciplinary or - with the exception of proceedings instituted by private prosecution or substitute private prosecution - criminal proceedings or final disciplinary decision;
- b) the president and vice-president judges of the courts listed under Paragraphs a)-c) of Section 16; or
- c) any person who is currently being investigated for reasons of incompetence.

Section 149

Membership in the chamber of judges shall terminate:

- a) when service relationship as a judge is terminated;
- b) by resignation;
- c) by dismissal;
- d) upon the subsequent occurrence of any of the reasons specified in Subsection (4) of Section 148; or
- e) at the end of the mandate.

Section 150

- (1) Any member whose membership in the chamber of judges has been terminated or who is unavailable for an extended period of time shall be replaced by an alternate member appointed by the chamber of judges.
- (2) The general conditions for the admission of an alternate member shall be determined by the chamber of judges.

Section 151

- (1) The chamber of judges:
 - a)¹⁶¹ shall express its opinion on the appointment of a judge and - except where this takes place upon the judge's consent - on the assignment, transfer and secondment of a judge;
 - b)¹⁶² may initiate the investigation or dismissal of the president, vice-president, head of group or deputy head of group of district courts;
 - c) assess the court's annual budget proposal and the appropriation of funds approved; and
 - d) evaluate the court's organizational and operational regulations and case allocation regime.
- (2)¹⁶³

Section 152

- (1) The chamber of judges shall convene as necessary, at least four times a year.
- (2) A meeting of the chamber of judges shall be called when so requested in writing by more than half of the members.
- (3) Meetings of the chamber of judges shall be open for the judges and shall be attended by the president of the court as a permanent invitee.
- (4) The chamber of judges may close its session if it concerns personal matters.

Section 153

- (1) The chamber of judges shall have a quorum when at least two-thirds of its members are attending.
- (2)¹⁶⁴ The chamber of judges shall adopt its decisions by a simple majority vote. In case of a draw, the chair of the chamber of judges shall have a casting vote. A two-thirds majority vote is required for any motion to dismiss any of the members or executives.

¹⁶⁰ Established by Subsection (4) of Section 3 of Act CXXII of 2018, effective as of 1 January 2019.

¹⁶¹ Established by Subsection (16) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁶² Amended by Point 20 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹⁶³ Repealed by Paragraph b) of Subsection (2) of Section 78 of Act LXXXVI of 2012, effective as of 1 July 2012.

¹⁶⁴ Amended by Section 13 of Act CXI of 2012.

45. Colleges¹⁶⁵

Section 154¹⁶⁶

(1) A college is a body of judges handling specific type of cases; it is directed by the head of college.

(2) Kúria (*Curia*) colleges shall comprise the judges of the Kúria and the heads of the same colleges of the courts of appeal, and in the case of the administrative college of the Kúria the heads of the same colleges of the general courts.

(3) Colleges of the courts of appeal shall comprise - except as provided in Subsection (4) - the judges of the court of appeal of a specific case type, including judges elected for a term of six years from among the judges of the same colleges of the general courts falling within the area of jurisdiction of the court of appeal, and the heads of the same colleges of the general courts within the area of jurisdiction of courts of appeal.

(4) The labor colleges of courts of appeal shall also comprise - in respect of professional activities - the judges of general courts located in the area of jurisdiction of the court of appeal appointed as labor court judges. The specific tasks of the labor college shall be determined based on the rules of procedure of the college.

(5) A general court college shall include - except as provided in Subsection (6) - the general court judges as well as those judges of the district courts operating under the general court, and the judges of the district court, with the exception of administrative and independent labor colleges, whom they have elected for six-year terms. Elected members are elected by the general court judges of the given college from among judges assigned to the appropriate case type of the department or departments of the college.

(6) In the case of an independent labor college, such college is made up of general court judges appointed as labor court judges, the administrative college of the general court is made up of general court judges appointed as administrative court judge judges.

Section 155

The college:

- a)¹⁶⁷ shall form an opinion on applications submitted for judges positions, with the exception of positions in district courts;
- b) shall take part in the evaluation of the professional activities of judges;
- c) shall evaluate the case allocation regime;
- d) shall form an opinion on the applications submitted for executive positions specified in Paragraph c) of Section 131, and may move to initiate the examination or dismissal of court executives; and
- e) shall carry out other duties conferred by law.

Section 156¹⁶⁸

PART FIVE

MISCELLANEOUS PROVISIONS

Chapter X

Court Employees

46. Court clerks and court secretaries

¹⁶⁵ Amended by Point 21 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹⁶⁶ Established by Section 86 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁶⁷ Amended by Point 22 of Subsection (1) of Section 90 of Act CXXVII of 2019.

¹⁶⁸ Repealed by Point 23 of Subsection (1) of Section 90 of Act CXXVII of 2019, effective as of 1 April 2020.

Section 157

(1) Graduates of law schools who satisfy the requirements set out in specific other act are employed at the courts in the position of court clerks to gain knowledge and experience for a future career as a judge.

(2) Graduates of law schools who satisfy the requirements set out in specific other act and who passed the bar exam are employed at the courts in the position of court secretaries.

(3) The duties of court secretaries and court clerks are set out in specific other act. Where a court secretary is vested with authority to perform the functions of a judge on the strength of specific other act, the provisions of Section 3 shall apply.

47. Court employees*Section 158*

The staff of a court shall include court officials, administrative employees and manual laborers to handle managerial and other duties.

48. Common provisions*Section 159*

The employment relation of court secretaries, court clerks and other court officials, administrative employees and manual laborers is referred to as a judiciary service relation, which is governed in specific other act.

Chapter XI

Enforcement of Court Decisions

49. General provisions*Section 160*

(1) The duties of courts in connection with the enforcement of sentences and other court rulings are carried out by penal administration judges at the general courts.

(2) Decisions of civil disputes and labor disputes pertaining to condemnation and court-approved settlements as well as decisions on financial obligation in criminal cases shall be carried out and enforced - unless prescribed by law to the contrary - by the court and court bailiffs.

50. Acting persons*Section 161*

The administrative activities of court executives relating to court bailiffs are established by the Act of Judicial Enforcement.

Section 162

The proceedings of court bailiffs are non-contentious proceedings; their actions made in an official capacity shall be binding on all parties concerned.

Chapter XII

Responsibilities of Courts Relating to the Publication of Court Decisions, Register of Court Decisions

51. Decisions to be published, procedural rules of publication

Section 163

(1)¹⁶⁹ The Kúria (*Curia*) shall publish uniformity decisions, its decisions adopted on the substance of a matter, the court of appeal shall publish its decisions adopted on the substance of a matter, the general court shall publish its decisions adopted in administrative actions on the substance of a matter, if the reviewed administrative decision was adopted in a single instance proceeding and no ordinary appeal may be lodged against the court decision, in the *Bírósági Határozatok Gyűjteménye (Register of Court Decisions)* in digital form.

(2) In the *Bírósági Határozatok Gyűjteménye*:

a) court decisions delivered in order for payment, judicial enforcement, company registry, bankruptcy and liquidation procedures, and in procedures related to any register maintained by the court need not be published;

b) court decisions adopted in matrimonial actions, in paternity actions and actions for the establishment of descent, in actions for the termination of parental custody, or in actions for placement under guardianship or conservatorship may not be published if so requested by either of the parties; and

c)¹⁷⁰ court decisions adopted in criminal proceedings opened in connection with a criminal offense against sexual freedom and sexual offenses may not be published, if the victim did not authorize it upon being requested to do so by the court.

(3) A digital copy of court decisions and other rulings adopted by the authorities and other organs shall also be published, if rendered anonymous, attached to and published together with the relevant court decision in proceedings specified by the President of OBH, that were overruled or reviewed by the published court decision.

(4) The publication of decisions adopted upon the judicial review of public procurement procedures shall be governed by the relevant provisions of the Act on Public Procurement.

(5) The president of the court may order the publication of other rulings the court has adopted, beyond the ones referred to in Subsections (1)-(4).

Section 164

(1) The decision shall be published in the *Bírósági Határozatok Gyűjteménye (Register of Court Decisions)* by the president of the adopting court within thirty days after the decision is executed in writing.

(2)¹⁷¹ If a decision that has already been published is corrected, or if it is supplemented, the correction, addendum shall be recorded, and properly marked, in the *Bírósági Határozatok Gyűjteménye* within five working days of the date when it becomes final or definitive.

Section 165

(1) The designation of published decisions shall contain the description of the court and the relevant field of law, the year when the decision was adopted, and the number of the decision.

(2) The court having adopted the decision shall specify, at the time of publication, the specific rules of the statutes on the basis of which the decision was adopted.

(3) The President of OBH shall ensure that the texts of decisions and the laws indicated can be searched in the *Bírósági Határozatok Gyűjteménye*.

¹⁶⁹ Amended by Point 2 of Subsection (2) of Section 89, Point 3 of Subsection (2) of Section 90 of Act CXXVII of 2019.

¹⁷⁰ Amended by Section 311 of Act CCXXIII of 2012.

¹⁷¹ Amended by Paragraph c) of Section 299 of Act CXCVII of 2017.

52. Protection of personal data in the publication of court decisions

Section 166

(1) Where any reference is made to a person in a decision published in the *Bírósági Határozatok Gyűjteménye (Register of Court Decisions)*, it shall be consistent with his role in the proceedings, however, the identification data of a person shall be erased in a manner so as not to prejudice the relevant facts of the case.

(2) Unless otherwise provided for by law, in the published decision it is not necessary to erase the following:

a) the surname and forename or forenames (hereinafter referred to collectively as “name”) and title of any person, unless otherwise provided for by law, performing any State or municipal government function, or performing other public duties, acting as such, if this person is involved in the proceedings in connection with discharging his public function;

b)¹⁷² name of the attorney or bar association legal counsel acting as an agent, and the name of the defense counsel;

c) name of the respondent being a natural person, who loses the lawsuit, and the name and registered office of legal person or unincorporated organization if the decision was adopted in a case where there is legal recourse in the public interest in accordance with the relevant legislation;

d)¹⁷³ name and address of the association or foundation, and the name of its representative;

e) information of public interest.

(3) If the hearing was held in part or in whole in closed session, and there is no other way to ensure the protection of the interest defined by law, underlying the demand that the public be not admitted, certain parts of the decision or the whole of the decision shall not be published in the register, or certain parts of the published decision or the whole of the published decision shall be removed from the register.

(4)¹⁷⁴ Withdrawal of a decision adopted in a hearing that was held in part or in whole in closed session from the *Bírósági Határozatok Gyűjteménye*, or non-disclosure may be requested in civil actions by the party, in administrative court proceedings by the party and any interest party, or by the injured party in criminal proceedings. The relevant person may submit the request within one year from the date of publication of the decision to the President of OBH, who shall comply with the request without delay, at the latest within five working days following the date of receipt thereof.

(5) Protection of classified information shall be provided for in the publication of court decisions as well.

(6) Apart from what is contained in this Section, the decision may not be edited.

52/A¹⁷⁵ Court Records of Service by Public Notification Ordered in Civil Actions and Administrative Court Proceedings

Section 166/A

(1) The court seised shall keep computerized records on cases of service by public notification, showing the name of the court, the case number, the name and last known address (registered office) of the party who was served by means of public notification, furthermore, the reason which prompted the use of this particular service method, including the effective date of the fiction of service. This public register is supported by a national computer network, maintained by the president of the *Országos Bírósági Hivatal (National Office for the Judiciary)*, from which the president of the *Országos Bírósági Hivatal* shall supply information with respect to and at the request of persons making an inquiry, subject to a fee specified by the relevant legislation.

(2) Information from the register may be supplied when requested by others only to the extent required by the court, the public prosecutor’s office, a notary public or an administrative body

¹⁷² Established by Subsection (1) of Section 81 of Act CXXXVI of 2017, effective as of 1 January 2018.

¹⁷³ Amended by Paragraph b) of Section 15 of Act CXXXI of 2013.

¹⁷⁴ Amended by Point 3 of Subsection (2) of Section 89 of Act CXXVII of 2019.

¹⁷⁵ Established by Subsection (2) of Section 81 of Act CXXXVI of 2017, effective as of 1 January 2018.

conducting non-contentious proceedings for discharging their functions prescribed by law, or as deemed necessary for the person requesting the information to exercise his legal rights. Legal entitlement shall be properly verified. In this case, the fact of disclosure of information shall be recorded in the computerized system in such a manner as to contain facilities for having the date of disclosure, the reason and the data user to be retrieved. The legal consequences for any unlawful data request and use shall be borne by the requesting person.

Chapter XIII

Maintaining Order in Court Buildings

53. Basic rules of admission into court buildings, persons responsible for maintaining order in court buildings

Section 167

(1) Admission to the areas of court buildings usually open to visitors, litigants and the general public and to court rooms for the purpose of handling court matters and for attending open hearings may be granted to any person subject to the restrictions set out in this Act.

(2) Visitors of court buildings are required to conduct themselves showing respect and reverence to judicature and the court of law in general, without causing any disturbance to the work of the courts and that conforms to the house rules applicable to all visitors of the building.

Section 168¹⁷⁶

Responsibility for maintaining order in the court building lies with the president judge of the court. To this end the president judge of the court - or the president judge of the general court in the case of district courts - shall establish the house rules for the court building, designate the areas that will be open to visitors, litigants and the general public, and shall publish it on the website of the relevant court, or on the website of the general court in the case of district courts. The president judge shall draw up the house rules in conformity with the requirements laid down by the President of OBH.

Section 169¹⁷⁷

With the exception of police officers, officers of penal institutions and other officers on duty, such as professional staff members of law enforcement agencies provided for in the Act on the Service Relation of the Professional Staff Members of Law Enforcement Bodies and Organizations and professional and commissioned members of the Hungarian Armed Forces, no one shall be allowed to carry into the court building any firearm, ammunition, explosives or blasting agents, or any assets or means which are considered particularly hazardous to public safety or which are suitable to cause disorder, except if specifically required for the purposes of the proceedings. These rules may be enforced by the president of the court, or by the body or person the president judge has appointed to maintain order in the building (hereinafter referred to as "security personnel").

54. Duties of persons responsible for maintaining order in court buildings

Section 170

(1) The security personnel shall be required to ascertain that the parties to the proceedings, visitors and representatives of the media exercise their rights and obligations in accordance with the legislation applicable. To this end the security personnel shall be authorized to take the following actions:

¹⁷⁶ Established by Section 87 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁷⁷ Amended by Subsection (27) of Section 366 of Act XLII of 2015.

- a) command any person who is engaged in any infringement of the provisions contained in Subsection (2) of Section 167, or in any conduct in the court building, outside the court room to disturb the proceedings of a court in session, specifically the order of the hearing, to cease such conduct, and - if this fails - demand that such person leaves the court building, with the exception of those persons summoned by the court;
 - b) prohibit any person who violated the provisions laid down in Section 169 from entering the court building, or demand that such person leaves the court building;
 - c) in the absence of voluntary compliance, take measures to have any person who was expelled from the court room on a given day by the presiding judge, or if sitting as a single judge, by the acting judge (hereinafter referred to in this Chapter collectively as "presiding judge") escorted out of the building, and to prevent such person from re-entering the court room;
 - d) in the absence of voluntary compliance, take measures to enforce the decision of the presiding judge for hearing the case in camera;
 - e) inspect the baggage of persons entering or leaving the court building; and may deny admission to any person who refuses to comply with such request, or may order such person to leave the building.
- (2) If the person affected refuses to comply with the action taken by the security personnel voluntarily, the security personnel may seek assistance from the authority of competent jurisdiction.

Section 171

- (1) Where the president of a court considers - in discharging his duties specified in Section 168 - in the process of assigning cases that a specific case is likely to constitute a high-risk event for security reasons as indicated by the presiding judge, the President of OBH, or another court or authority, or through any other means, the president judge shall take all measures deemed necessary so as to ensure the publicity of hearings and for maintaining order in the building.
- (2) The president of the court shall take the following measure or measures in connection with high-risk cases:
- a) assign a court room that is considered best suitable;
 - b) order the broadcast of an open hearing through the court's closed-circuit television network, where the technical means are available;
 - c) order extra security personnel to stand by;
 - d) order the security personnel to inspect all baggage of persons entering into or leaving the court building;
 - e) notifies the authority of competent jurisdiction;
 - f) make all arrangements deemed necessary for maintaining order in the building.
- (3) The presiding judge of a case, in making preparations for a hearing, shall ascertain as to whether the measures referred to in Subsection (2) may be necessary - in addition to the decisions conferred under the president judge's discretion by the statutes governing procedures - taking into account the circumstances of the case, such as the large numbers of parties, respondents or witnesses, or the high publicity of the case, and shall notify the president of the court thereof.
- (4) The president of the court shall inform the presiding judge and the parties affected of the measures he has ordered.

Chapter XIII/A¹⁷⁸

Hungarian Academy of Justice¹⁷⁹

Section 171/A¹⁸⁰

(1)¹⁸¹ The Magyar Igazságügyi Akadémia (*Hungarian Academy of Justice*) shall provide training to judges and other personnel in the administration of justice, and shall provide centralized consolidated training to court clerks.

(2) The Magyar Igazságügyi Akadémia operates within the organization framework of OBH.

(3) The director of the Magyar Igazságügyi Akadémia shall be entitled to remuneration consistent with senior department head ranking.

(4)¹⁸² The President of OBH may conclude a special agreement with the minister in charge of the judicial system relating to judicial and international studies to be provided within the framework of the Magyar Igazságügyi Akadémia.

(5)¹⁸³ In the training courses the President of OBH shall work together with the Prosecutor General. The conditions of such cooperation shall be laid down in an agreement.

Section 171/B¹⁸⁴

PART SIX

CLOSING PROVISIONS

Chapter XIV

Entry into Force and Implementation

55. Authorizations

Section 172¹⁸⁵

The minister in charge of the judicial system is hereby authorized to decree:

a) the detailed provisions for the marking of court decisions published in accordance with this Act in the *Bírószági Határozatok Gyűjteménye (Register of Court Decisions)*; and

b) detailed provisions for the method of payment and the amount charged for information of data contained in the national computerized records of service by public notification ordered in civil actions and administrative court proceedings.

56. Implementing provisions, short (abbreviated) name of the Act

Section 173

(1) This Act - with the exceptions set out in Subsections (2) and (3) - shall enter into force on the day following the day of its publication.

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

¹⁷⁸ Enacted by Section 82 of Act CXVII of 2012, effective as of 24 July 2012.

¹⁷⁹ Enacted by Section 82 of Act CXVII of 2012, effective as of 24 July 2012.

¹⁸⁰ Enacted by Section 82 of Act CXVII of 2012, effective as of 24 July 2012.

¹⁸¹ Established by Subsection (17) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁸² Enacted by Subsection (18) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁸³ Enacted by Subsection (18) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁸⁴ Repealed by Subsection (21) of Section 11 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁸⁵ Established by Subsection (3) of Section 81 of Act CXXXVI of 2017, effective as of 1 January 2018.

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

Section 174

This Act shall be referred to in other legislation as “Courts Act”.

57. Compliance with the majority requirement set out in the Fundamental Law, countersigning the actions of the President of the Republic

Section 175¹⁸⁶

Sections 1-8, Sections 12-15, Chapters II and III, Section 45, Chapter V, Parts Three and Four, Chapters X, XI and XIII/A, and Sections 197-197/B, Section 207 and Section 209 of this Act shall be considered cardinal pursuant to Paragraphs (6) and (8) of Article 25 of the Fundamental Law.

Section 176

As regards the decisions and actions of the President of the Republic taken during the activity provided for in this Act no counter-signature is required.

Chapter XV

Transitional Provisions

58. Election of the President of OBH and the President of the Kúria for the first time

Section 177

(1) The President of the Republic shall make a recommendation for the President of OBH and the President of the Kúria for the first time by 15 December 2011 at the latest. The candidate shall be heard by the Parliament’s Judicial Committee.

(2) The President of OBH and the President of the Kúria shall be elected by Parliament for the first time by 31 December 2011.¹⁸⁷

(3) If Parliament fails to elect the President of OBH or the President of the Kúria by the time specified in Subsection (2), and the President of the Republic makes another recommendation for a new candidate before 15 March 2012, Paragraph e) of Subsection (3) of Section 103 shall not apply.

59. Transitional provisions relating to the appointment of judges into the OBT

Section 178

(1)-(4)¹⁸⁸

(5) Until 31 December 2012 the labor court judge shall be construed as a representative of administrative and labor courts in the OBT.

¹⁸⁶ Amended by Section 83 of Act CXVII of 2012. The passage Sections 177-195 annulled by Article 1 of Constitutional Court Resolution No. 13/2013 (VI. 17.) AB. Amended by Paragraph c) of Section 15 of Act CXXXI of 2013, Subsection (2) of Section 43 of Act CCVII of 2013, Point 4 of Subsection (2) of Section 89 of Act CXXVII of 2019.

¹⁸⁷ See Parliament Resolution 91/2011 (XII. 14.), and Parliament Resolution 92/2011 (XII. 14.).

¹⁸⁸ Repealed by Paragraph a) of Section 209 of the same Act, effective as of 16 March 2012.

Sections 179-184¹⁸⁹

60. Expiry of mandates, beginning of new mandates

Section 185

(1) The mandate of the Országos Igazságszolgáltatási Tanács (*National Council of Justice*) (hereinafter referred to as "OIT" its members, the Chairman of the OIT, the Chief Justice of the Legfelsőbb Bíróság (*Supreme Court*) and his deputies, and of the manager of the OIT Office and his deputy shall terminate upon the Fundamental Law entering into force.

(2) The term of office of the President of OBH and the President of the Kúria shall begin on 1 January 2012.

(3) The OBT established for the first time under this Act shall take up activities on 15 March 2012. The first meeting of OBT shall be held in the month of March 2012.

Section 186

(1) The provisions of Subsection (2) of Section 116 and Subsection (1) of Section 141 shall apply, respectively, to the Chief Justice of the Legfelsőbb Bíróság and his deputies.

(2) At the end of the office manager's assignment, the former manager of the OIT Office shall be transferred without tender to serve as a judge, at least as a president of chamber in a court at the same level as before the transfer to the Office and, if possible, close to the judge's place of domicile.

Section 187

The mandate of court executives appointed before 1 January 2012 shall be for the term specified in the appointment, save where Subsection (1) of Section 185 applies.

61. Regulations relating to succession

Section 188

(1) The successor of the Legfelsőbb Bíróság (*Supreme Court*), the OIT and its president shall be, respectively, the Kúria for the administration of justice, and the President of OBH for the administration of courts, with the exception defined by the relevant cardinal law.

(2) The general successor of the OIT Office shall be the OBH. OBH shall be established building on the organizational framework of the OIT Office.

(3)¹⁹⁰ The name of the Magyar Bírőképző Akadémia (*Hungarian Judicial Academy*) shall be changed to Magyar Igazságügyi Akadémia (*Hungarian Academy of Justice*).

(4)¹⁹¹

Section 189

(1) Effective as of 1 January 2012 the justices and judicial staff of the Legfelsőbb Bíróság (*Supreme Court*) shall serve as justices and judicial staff in the Kúria (*Curia*). In private law relationships, on 1 January 2012 the Kúria shall take the place of the Legfelsőbb Bíróság.

(2) The successor of the Fővárosi Bíróság (*Budapest Metropolitan Court*) and the given county court shall be the given general court. The title of the president of county court and the President of the Fővárosi Bíróság shall be changed on 1 January 2012 to president of general court.

¹⁸⁹ Repealed by Paragraph a) of Section 209 of the same Act, effective as of 16 March 2012.

¹⁹⁰ Established by Section 84 of Act CXVII of 2012, effective as of 24 July 2012.

¹⁹¹ Repealed by Section 86 of Act CXVII of 2012, effective as of 24 July 2012.

Section 190

Any reference made in laws to district court, district court executive or district court judge shall be construed until 31 December 2012 as Budapest district court and municipal court, or - collectively - local court, local court executive, or local court judge. Effective as of 1 January 2013, the successor of the given local court shall be the given district court.

62. Transitional provisions relating to the formation of administrative and labor courts*Section 191*

(1) Administrative and labor courts and administrative and labor regional colleges shall start operation on 1 January 2013.

(2) The general successor of the labor court operating under the given general court shall be the administrative and labor court to be established under that given general court.

(3) The mandate of the court executives appointed before 1 January 2012 to the labor court operating under the given general court shall be for the term specified in the appointment, to the administrative and labor court to be established under that given general court.

(4) If the mandate of the court executives of the labor court expires before 1 January 2013, the post may be filled by 31 December 2012 by way of appointment.

(5) The judges assigned to the labor court operating under the given general court shall be assigned to the administrative and labor court to be established under that given general court.

(6) If at the time of setting up the administrative and labor court a judge hearing administrative cases at the general court is transferred to the administrative and labor court prompted by the loss of competence of the court pursuant to the Act on the Legal Status and Remuneration of Judges, his general court judge title and remuneration shall be established in accordance with the rules applicable to judges assigned to the general court.

(7) If at the time of setting up the administrative and labor court a judge hearing administrative cases at the court of appeal is transferred to a lower court prompted by the loss of competence of the court pursuant to the Act on the Legal Status and Remuneration of Judges, his court of appeal judge title and remuneration shall be established in accordance with the rules applicable to judges assigned to the court of appeal.

Section 192

(1) Until 31 December 2012 labor courts provided for in Act LXVI of 1997 on the Organizational and Administrative Structure of Courts shall hear lawsuits in the first instance relating to employment and other similar relations as well as other cases referred to its jurisdiction by law.

(2) Until 31 December 2012 the provisions on district courts and on the court executives of district courts shall apply, respectively, to labor courts and to court executives of labor courts.

(3) Until 31 December 2012 the judges hearing labor cases at the general court shall be members of the civil college. If any judge of the labor court is a member of the civil college of the general court, he shall remain a member of the civil college until 31 December 2012.

Section 193

(1)¹⁹² Until 31 December 2012, administrative actions shall be heard in first instance by the general court, and by the court of appeal provided for in the Code of Civil Procedure in second instance.

(2) Until 31 December 2012 the Fővárosi Ítéltábla Közigazgatási Kollégiuma (*Administrative College of the Budapest Court of Appeal*) shall operate under the rules applicable to court of appeal colleges, and the provisions relating to its heads and deputy heads of college, heads and deputy heads of court of appeal colleges shall apply *mutatis mutandis*.

¹⁹² Established by Section 85 of Act CXVII of 2012, effective as of 1 August 2012.

(3) Until 31 December 2012 the Fővárosi Törvényszék Közigazgatási Kollégiuma (*Administrative College of the Budapest Metropolitan Court*) shall operate under the rules applicable to general court colleges, and the provisions relating to heads and deputy heads of college, heads and deputy heads of general court colleges shall apply *mutatis mutandis*.

(4) Until 31 December 2012 at the general courts which did not have an administrative college before 31 December 2011, the judges hearing administrative cases shall retain their membership in the civil college.

63. Other transitional provisions

Section 194

(1) The President of OBH shall review by 1 October 2012 the regulations and recommendations issued by OIT under Act LXVI of 1997 on the Organizational and Administrative Structure of Courts, and shall amend, repeal or sustain them as deemed appropriate.

(2) Collecting statistics from data sheets for the assessment of the workload of judges shall take place for the first time in cases opened after 1 January 2013.

Section 195

(1) The provisions of Sections 32-44 shall apply to unification procedures initiated after 1 January 2012.

(2) The directives, decisions of principle and college resolutions adopted prior to the date of this Act entering into force may be applied until a uniformity decision to the contrary is adopted.

(3) At the initiative of the President or head of college of the Kúria, the full college of the Kúria, acting as a uniformity panel, may decide - within the framework of a unification procedure - not to sustain directives, decisions of principle and college resolutions adopted before the time of entry into force of this Act as directives, decisions of principle and college resolutions even if the conditions set out in Subsection (1) of Section 32 are not otherwise satisfied.¹⁹³

Section 196

(1) In the assessment of motions submitted by the Budapest or county government agency to the Alkotmánybíróság (*Constitutional Court*) before 31 December 2011, the local government chamber of the Kúria (*Curia*) shall call upon the Budapest or county government agency within thirty days of the date of receipt of the motion transferred by the Alkotmánybíróság to supplement the motion within the prescribed deadline as provided for in the Act on Local Governments. The time limit available for the assessment of the motion shall be calculated from the date of receipt of the addendum.

(2) In the assessment of motions submitted by a judge to the Alkotmánybíróság before 31 December 2011, the local government chamber of the Kúria (*Curia*) shall call upon the judge within thirty days of the date of receipt of the motion transferred by the Alkotmánybíróság to supplement the motion within the prescribed deadline as provided for in this Act. The time limit available for the assessment of the motion shall be calculated from the date of receipt of the addendum.

*Section 196/A*¹⁹⁴

Section 47, Subsection (5) of Section 48, Subsection (1) of Section 51, Subsection (4) of Section 53, Section 54, Paragraph *a*) of Subsection (2) of Section 55, and Subsection (5) of Section 56 of this Act, as established by Act CCXI of 2012 on the Amendment of Regulations Relating to the Judiciary, shall also apply to cases in progress on 1 January 2013.

¹⁹³ See Uniformity Decision No. 3/2013 BJE.

¹⁹⁴ Enacted by Subsection (16) of Section 76 of Act CCXI of 2012, effective as of 1 January 2013.

Section 196/B¹⁹⁵

The case allocation rules shall be drawn up in due consideration of pending high profile actions also after the date of entry into force of Act CXXX of 2017 on Amendments Relating to the Implementation of Act CXXX of 2016 on the Code of Civil Procedure.

Section 197

In the application of regulations restricting the re-appointment of court executives in their positions, the office of president, vice-president of local court shall be construed the same as president, vice-president of district court, the office of president, vice-president of administrative and labor court shall be construed the same as president, vice-president of labor court, and the office of president, vice-president of county court shall be construed the same as president, vice-president of general court.

Section 197/A¹⁹⁶

(1) Administrative and labor courts shall cease to exist on 31 March 2020. The Fővárosi Törvényszék (*Budapest Metropolitan Court*) shall be the general legal successor in respect of the legal relationships of administrative and labor courts existing on 31 March 2020 in respect of the Fővárosi Közigazgatási és Munkaügyi Bíróság (*Budapest Court of Public Administration and Labor*), in respect of other administrative and labor courts the general court with the same territorial jurisdiction as these courts effective on 31 March 2020 shall be the general legal successor.

(2) Administrative and labor regional colleges and the administrative and labor college attached to the Fővárosi Törvényszék shall cease to exist on 31 March 2020. Effective as of 1 April 2020 courts of appeal shall maintain labor colleges, and general courts hearing administrative actions shall maintain administrative colleges. From the Administrative and Labor College of the Kúria (*Curia*) the labor branch shall be withdrawn and shall merge into the Civil College of Kúria on 31 March 2020. From 1 April 2020 the Administrative College operates at the Kúria autonomously. The documents of administrative and labor regional colleges shall be kept by the general court where the college is seated at the time when terminated, and shall handle them according to the rules applicable to documents received.

Section 197/B¹⁹⁷

(1) With the exception of presiding judges, the mandate of court executives of administrative and labor courts, court executives of administrative and labor regional colleges and court executives of Administrative and Labor College of the Fővárosi Törvényszék (*Budapest Metropolitan Court*) shall cease on 31 March 2020.

(2) With the exception of acting court executives, judges with court executive mandate on 31 March 2020, provided for in Subsection (1), shall be remunerated from 1 April 2020 consistent with his/her previous court executive term, depending on his/her position, until the expiry of the original mandate, except if appointed to a court executive office provided for in Paragraphs a)-f) of Subsection (1) and Subsection (1a) of Section 118.

(3) If the office of a court executive referred to in Subsection (1) ceases to exist on the strength of this Act before the expiry of the term in office, he/she shall be appointed without tender to the office of president of chamber.

(4) No calls for applications for court executive positions referred to in Subsection (1) may be published after the date of entry into force of this Act, and a mandate for such position may be given until 31 March 2020 only.

(5) Uniformity complaint procedures may be initiated exclusively against a final judgment or a final ruling adopted on the merits of the case after 1 July 2020.

¹⁹⁵ Enacted by Section 94 of Act CXXX of 2017, effective as of 1 January 2018.

¹⁹⁶ Enacted by Section 88 of Act CXXVII of 2019, effective as of 1 January 2020.

¹⁹⁷ Enacted by Section 88 of Act CXXVII of 2019, effective as of 1 January 2020.

Chapter XVI¹⁹⁸

64-68¹⁹⁹

*Sections 198-202*²⁰⁰

Section 203

*a)-m)*²⁰¹
*n)*²⁰²
*o)-p)*²⁰³

*Sections 204-206*²⁰⁴

Chapter XVII

Repealed Legislation and Regulations

69. Repealed legislation

*Section 207*²⁰⁵

70. Repealed regulations

*Section 208*²⁰⁶

Section 209

The following provisions of this Act shall be repealed:

- a) Subsections (1)-(4) of Section 178, Sections 179-184; and
- b) Sections 198-206.

¹⁹⁸ Repealed by Paragraph b) of Section 209 of the same Act, effective as of 16 March 2012.

¹⁹⁹ Repealed by Paragraph b) of Section 209 of the same Act, effective as of 16 March 2012.

²⁰⁰ Repealed by Paragraph b) of Section 209 of the same Act, effective as of 16 March 2012.

²⁰¹ Repealed by Paragraph b) of Section 209 of the same Act, effective as of 16 March 2012.

²⁰² Shall not enter into force pursuant to Section 425 of Act CCI of 2011.

²⁰³ Repealed by Paragraph b) of Section 209 of the same Act, effective as of 16 March 2012.

²⁰⁴ Repealed by Paragraph b) of Section 209 of the same Act, effective as of 16 March 2012.

²⁰⁵ Repealed under Section 12 of Act CXXX of 2010, effective as of 2 January 2012.

²⁰⁶ Repealed under Section 12 of Act CXXX of 2010, effective as of 2 January 2012.