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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

HUNGARY

ACT CLXII OF 2011

ON THE LEGAL STATUS

AND REMUNERATION OF JUDGES*¹

(Prior to amendments adopted on 15 December 2020)

* Translation provided by the Authorities

¹ Promulgated on 2 December 2011.

In order to enforce the constitutional principle of judicial independence and impartiality, Parliament has adopted the following Act laying down the rules for the legal status, remuneration and career development of judges for the implementation of the Fundamental Law, pursuant to Articles 25-28 of the Fundamental Law:

CHAPTER I

CONCLUSION OF SERVICE RELATIONSHIP OF JUDGES

1. Basic principles

Section 1

- (1) Judges shall be independent in the administration of justice.
- (2) Judges shall serve as members of the judiciary.

Section 2

- (1) Judges shall be granted the same privilege of immunity as Members of Parliament.
- (2)² The suspension of immunity of the President of the *Kúria (Curia)* and the President of the *Országos Bírósági Hivatal (National Office for the Judiciary)* (hereinafter referred to as "OBH") requires a parliamentary decision. The Speaker of Parliament shall have powers to take the measures necessary in connection with any violation of the right of immunity.
- (3) The suspension of immunity of a judge requires the decision of the President of the Republic on a recommendation by the President of OBH. The President of the Republic shall have powers to take the measures necessary in connection with any violation of the right of immunity on a recommendation by the President of OBH.
- (4) Associate judges shall be granted immunity in connection with their actions relating to the judiciary. Associate judges may not be held accountable - during their term of office and subsequently - before a court or any other authority for their actions in the judiciary, nor for any statement or opinion made in exercising their duties during their term of office. Such exemption, however, shall not apply to any misuse of information classified as top secret and strictly confidential, to defamation and slander, and to the civil liability of associate judges. The exemption covers cases where the act of defamation concerns a person exercising sovereign rights or a politically exposed person, and to slander if the associate judge was unaware that the statement is false in substance.
- (5) As regards the suspension of immunity of an associate judge and the measures to be taken in connection with any violation of the right of immunity the provisions of Subsection (3) shall apply.

2. Conclusion of service relationship of judges

Section 3

- (1) The service relationship of a judge comes into existence upon his appointment.
- (2) Judges are appointed by the President of the Republic.
- (3) Appointment is made:
 - a) where the post is awarded by way of a public selection process to a person who is not currently serving as a judge;
 - b) if according to the relevant legislation the post is to be awarded without a public selection process to a person who is not currently serving as a judge;
 - c)³ if a judge who was appointed for a fixed term is appointed indefinitely;

² Established by Section 93 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, on 6 May 2014. See Resolution No. 157/2014 (IV. 18.) KE.

³ Amended by Paragraph a) of Subsection (1) of Section 29 of Act CXI of 2012.

d) if a judge advocate is appointed to a judge's post after terminating his post as a judge advocate, provided that the conditions provided for by law are satisfied.

(4) If a judge who was relieved from office by the President of the Republic has to be reinstated in conclusion of a labor dispute, the President of the Republic shall re-appoint the judge in question for a fixed or unfixed term as before the time of dismissal.

(4a)⁴ If a member of the Constitutional Court applied for the award of judgeship according to the Act on the Constitutional Court, judgeship shall be awarded by the President of the Republic without a public selection process for an indefinite period.

(5) The recommendation for appointment and the instrument of appointment shall specify the time of commencement of the judge's service relationship, and the term of office where applicable, or an indication if the appointment is for an indefinite term.

3. Conditions for the appointment of judges

Section 4

(1) Candidates to be appointed in Hungary as judges must be at least thirty years of age and:

a) shall be Hungarian citizens;

b)⁵ shall not be under guardianship or conservatorship or under the effect of advocated decision-making;

c) shall have a university law degree;

d) shall have passed the bar examination;

e) shall agree to file a declaration of personal wealth in accordance with this Act;

f) shall have at least one year experience:

fa) as a court secretary, a deputy prosecutor, attorney at law, notary public or legal counsel,

fb) as a government official, or as a public official at a central administrative agency in an administrative position or in a position for which a bar examination is required,

fc) as a constitutional court judge, judge, judge advocate or public prosecutor,

fd) in judicature in any international organization or an agency of the European Union, or in activities related to the judiciary;

g) must be found suitable following the professional aptitude test.

(2) The following may not be appointed to serve as judge:

a) any person who has a prior criminal record;

b) any person who has been restrained by court order from practicing the profession requiring a law degree;

c) any person who has no prior criminal record, however, he has been found guilty for a criminal offense by a final court verdict:

ca) for a period of twelve years from the effective time of exoneration in case of imprisonment of five years or more imposed for a premeditated criminal act,

cb) for a period of ten years from the effective time of exoneration in case of imprisonment of less than five years imposed for a premeditated criminal act,

cc) for a period of eight years from the effective time of exoneration in case of a suspended term of imprisonment imposed for a premeditated criminal act,

cd)⁶ for a period of five years from the effective time of exoneration in case of confinement, community service work or fine imposed for a premeditated criminal act,

ce) for a period of three years from the effective time of exoneration in case of a suspended fine imposed for a premeditated criminal act,

cf) for a period of eight years from the effective time of exoneration in case of an executable term of imprisonment imposed for criminal negligence,

cg) for a period of five years from the effective time of exoneration in case of a suspended term of imprisonment imposed for criminal negligence,

⁴ Enacted by Section 91 of Act CXXVII of 2019, effective as of 20 December 2019.

⁵ Established by Subsection (1) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

⁶ Amended by Paragraph a) of Subsection (1) of Section 146 of Act CXXVII of 2019.

ch)⁷ for a period of three years from the effective time of exoneration in case of confinement, community service work or fine imposed for criminal negligence;

d) any person who has been ordered by the courts to receive medical treatment in a mental institution, for a period of three years from the effective time of the court ruling for the termination of medical treatment;

e) any person sentenced to a term of probation, for a period of three years following the expiry of the probation period, or the extended probation period where applicable;

f)⁸ any person who is subject to criminal proceedings, with the exception of proceedings instituted by private prosecution or substitute private prosecution;

g)⁹ any person who has been sanctioned by the most severe punishment in a disciplinary action in a capacity as a judge, district attorney, government official, State official, public official, notary public, attorney at law, court bailiff, public employee, professional staff member or employee of the law enforcement bodies and organizations provided for in the Act on the Service Relation of the Professional Staff Members of Law Enforcement Bodies and Organizations, court or law enforcement employee, deputy prosecutor, prosecutor office clerk, articulated clerk or an assistant notary, under the term of the disciplinary punishment;

h)¹⁰ any person who is drawing old-age pension benefits, benefits provided before the legal age limit or any other cash benefits that is to be continued in the form of old-age pension benefits upon reaching the retirement age;

i)¹¹ any person who reached the age specified in Subparagraph *ha*) of Section 90.

(3) The prescribed length of employment as a court secretary specified in Paragraph *f*) of Subsection (1) may be reduced by up to six months for three years of employment in a position not mentioned in Paragraph *f*) of Subsection (1) for which a bar examination is required.

(4)¹² In the case under Subsection (4) of Section 3 the President of OBH shall, before submitting the recommendation for appointment, verify compliance with the requirements for appointment. If the recommendation for appointment is presented within three months from the time of termination of the judge's service relationship, the person nominated for the post shall not be required to produce the certificate provided for in Paragraph *b*) of Subsection (1) of Section 12. The person nominated for the post shall not be required to produce the certificate provided for in Paragraph *c*) of Subsection (1) of Section 12.

4. Specific conditions relating to the appointment of judge advocates and administrative patent judges

Section 5

(1) As a precondition for serving as a judge advocate, the candidate to be appointed shall be a commissioned officer in the Hungarian Armed Forces. The prior consent of the minister in charge of defense is required for a motion for appointment. The appointment of a judge advocate shall be specifically for this post.

(2) Simultaneously with the appointment, the minister in charge of defense shall place the judge advocate on the active roster. Judge advocates shall serve at the judiciary until their term in judicial office is terminated.

(3) The President of the Republic - on a recommendation by the President of OBH - may grant exemption from the conditions provided for in Paragraphs *c*), *d*) and *f*) of Subsection (1) of Section 4 for administrative patent judges on condition that the person to be appointed has a university-level degree.

⁷ Amended by Paragraph a) of Subsection (1) of Section 146 of Act CXXVII of 2019.

⁸ Established by Subsection (1) of Section 5 of Act CXXII of 2018, effective as of 1 January 2019.

⁹ Established by Section 91 of Act LXIV of 2016. Amended by Paragraph a) of Section 47 of Act CXV of 2018.

¹⁰ Enacted by Section 15 of Act XX of 2013, effective as of 2 April 2013.

¹¹ Enacted by Section 15 of Act XX of 2013, effective as of 2 April 2013.

¹² Enacted by Section 16 of Act XX of 2013, effective as of 2 April 2013.

5. Professional aptitude test

Section 6

(1) The professional aptitude test shall include medical and physical examination, and psychiatric assessment. The examinations shall cover all mental and health considerations that may preclude or severely impair the judge's performance, and shall assess the judge's intelligence and personality. In line with specific guidelines laid down by the relevant legislation, the test shall provide an assessment of the candidate's personality from the perspective of his/her suitability for judgeship.

(2) Professional aptitude tests and professional aptitude test reviews are carried out by a body of forensic experts designated by the minister in charge of the judicial system, in agreement with the President of OBH. The list of faculties to be tested is contained in Annex 5 to this Act.

(3) The diagnosis and the clause concerning the candidate's aptitude, containing also a detailed assessment, shall remain valid for three years - in the absence of any circumstances arising prompting the need for a new professional aptitude test - and may be used for other applications as well.

(4) The diagnosis made upon the professional aptitude test and the clause concerning the candidate's aptitude, containing also a detailed assessment, shall be delivered to the applicant.

(5) The costs of the professional aptitude test shall be borne by the applicant. The President of OBH shall refund the costs of the professional aptitude test to the applicant to whom the post is awarded.

(6) The detailed rules concerning the criteria, the method and procedure of professional aptitude tests and professional aptitude test reviews are laid down in specific other legislation.

CHAPTER II

PUBLIC SELECTION PROCESS FOR JUDGESHIPS

6. Notice of vacancy

Section 7

(1) A vacant judgeship shall be filled by way of a public selection process, save for the cases under Section 8.

(2) The selection process shall be conducted in a way to guarantee that the judge's position is filled upon an open selection procedure designed to ensure equal conditions for all candidates who are able to satisfy the requirements prescribed in this Act and in the notice of vacancy, and in consequence, to choose the best suitable candidate for the office.

Section 8

(1) No vacancy notice is required in the cases under:

- a)¹³ Subsections (4) and (4a) of Section 3;
- b) Subsection (3) of Section 23;
- c) Subsection (3) of Section 24;
- d) Subsection (2) of Section 34;
- e) Subsections (3) and (4) of Section 58;
- f) Subsection (3) of Section 62;
- g) Subsection (2) of Section 64; and
- h) Subsection (3) of Section 97.

(2) Moreover, no vacancy notice is required if, based on the Act on the Organization and Administration of Courts, the President or any vice-president of the Kúria (*Curia*), the President

¹³ Amended by Paragraph a) of Subsection (2) of Section 146 of Act CXXVII of 2019.

or any vice-president of OBH, or any other court executive is transferred to a judge's post after his term in executive office ceases.

(3)¹⁴ Where any Member of Parliament or Member of the European Parliament, or a spokesman for a nationality served as a judge before being elected, and filed a statement at the time when his/her term of office ended asking to be re-appointed to a judge's position, and meets the conditions for appointment (not including the professional aptitude test), such person shall be appointed to a judge's post - upon his/her request - without a selection process, for an indefinite term by the President of the Republic on a recommendation by the President of OBH. Subsequently, the President of OBH shall transfer the judge to the vacant judge's post, or in justified cases, to serve as a presiding judge in a court at the same level as before the time when elected to Parliament and, if possible, to a place close to the judge's home address.

Section 9

(1) The President of OBH shall have competence to publish the notice of vacancy.

(2) In connection with the removal of a judge, the president judge shall notify the President of OBH of the vacant position at the time when initiating the judge's dismissal, or if the judge's service relationship ceases for other reasons, within eight days from the time of gaining knowledge of the reason leading to the termination of the judge's service relationship.

(3) The President of OBH shall inform the president judge within fifteen days from the time of becoming aware of the judicial vacancy whether or not a vacancy notice for the judge's post will be published, or the judgeship in question will be re-assigned to another court, shall decide whether to publish a notice of vacancy for filling the vacant judgeship within six months from the time of becoming aware, or shall fill the vacancy without publishing a notice of vacancy under this Act.

Section 10

(1) The notice of vacancy shall indicate all conditions and requirements for appointment to judicial office.

(1a)¹⁵ If the notice of vacancy is published for judicial office in a district court that maintains a judicial venue set up within its organizational structure, the notice of vacancy shall contain reference to the provisions of Section 26/A.

(2) Selection criteria which are not prescribed by law may be installed if it pertains to any special knowledge required for the function of the office or in connection therewith, of which the applicants are to be expressly informed in the notice of vacancy. The terms of application shall also specify if the notice of vacancy is published in accordance with Section 33 of this Act.

(3)¹⁶ The notice of vacancy shall be published in the official journal of the judiciary and on the central website of the judiciary (hereinafter referred to as "central website"), and shall be made available to the general public.

7. Submission of applications

Section 11¹⁷

(1) Applications shall be submitted to the president of the court where the vacancy to which the notice pertains is available.

(2) The president judge shall interview the applicant.

(3) If the notice of vacancy is published for a district court, the president of the district court shall forward the application to the president of general court within five working days after the

¹⁴ Amended by Paragraph a) of Subsection (32) of Section 158 of Act XXXVI of 2012.

¹⁵ Enacted by Section 92 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁶ Established by Section 17 of Act CXXXI of 2013, effective as of 1 August 2013.

¹⁷ Established by Section 93 of Act CXXVII of 2019, effective as of 1 April 2020.

expiry of the deadline for applications. The president of district court shall interview the applicant before the application is forwarded.

Section 12

- (1) Candidates applying for judgeships shall, at the time of submission of the application:
 - a) verify the particulars and facts required for the appointment, and
 - b)¹⁸ produce a certificate of clean criminal record to verify that he/she is not subject to any of the disqualifying factors under Paragraphs a)-f) of Subsection (2) of Section 4,
 - c) provide proof of having valid professional aptitude test results.
- (2) The application shall contain information as to where the applicant can be reached at short notice (electronic mail address, phone and/or fax number, etc.).

Section 13¹⁹

(1) If the application of an applicant is submitted in delay, it shall be refused by the president of the court, except as provided in Subsection (2). If the application of an applicant contains any deficiencies [Section 12, Subsection (1) of Section 45] the president judge shall call upon the applicant to remedy such deficiencies at short notice, and shall refuse the application in the event of non-compliance.

(2) If the application submitted to the president of the district court contains any deficiencies or submitted in delay, the president of the district court shall promptly forward the application to the president of the general court in order to take the measures referred to in Subsection (1).

(3) The fail decision referred to in Subsection (1) may be challenged by the applicant before the court of judges of first instance within three days. The court of judges of first instance shall deliberate the objection within eight days from the date of submission, without hearing the parties, in council, and shall promptly communicate its decision to the applicant and the president judge. If the decision of the court of judges of first instance is in favor of the request, it shall vacate the fail decision. No further remedy shall lie against the decision of the court of judges of first instance.

Section 13/A²⁰

Proceedings for the adjudication of objections lodged against fail decisions brought on account of late submission of, or deficiencies in, an application shall be conducted by the court of judges in due observation of the provisions on disciplinary proceedings subject to the derogations provided for in Subsection (3) of Section 13, with the proviso that:

- a) the objection shall be submitted to the decision-making body in writing, addressed to the court of judges of first instance,
- b) the decision-making body shall forward the objection to the court of judges of first instance within three working days, accompanied by its assessment of the objection and the documents underlying the decision,
- c) the objection shall be adjudged without the appointment of an investigating officer and without a preliminary inquiry, in council, if deemed necessary after obtaining the relevant documents and after hearing the parties.

8. Ranking of applicants

Section 14²¹

(1) In determining the ranking of applicants only the following criteria shall be taken into consideration:

¹⁸ Amended by Paragraph a) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

¹⁹ Established by Section 94 of Act CXXVII of 2019, effective as of 1 April 2020.

²⁰ Enacted by Section 95 of Act CXXVII of 2019, effective as of 1 April 2020.

²¹ Established by Section 96 of Act CXXVII of 2019, effective as of 1 April 2020.

- a) as regards job evaluation,
- aa) time of judiciary experience as a court clerk or court secretary, or the results of any evaluation of service in a judge's post,
 - ab) time of judiciary experience as a judge or court secretary at OBH for acquiring thorough knowledge about the central administration of courts, and the evaluation by the President of OBH of work done in central administration, evaluation by the President of OBH of judiciary experience of a judge assigned to the Kúria or a court secretary for acquiring thorough knowledge relevant to the preparation of harmonized decisions and jurisprudence analysis, furthermore, the evaluation by the minister in charge of the judicial system of accomplishments in acquiring thorough knowledge for the preparation of new legislation working as a judge or court secretary in that ministry,
 - ac) the previous employer's assessment for applicants with no judiciary background;
 - b) duration of practical experience or service time after passing the bar examination;
 - c) the result of the professional aptitude test;
 - d) the result of the bar examination;
 - e) the academic degree;
 - f) any legal expert or other secondary diploma (for a specific field of discipline);
 - g) any study trip abroad made in a specific field of discipline after receiving the law degree;
 - h) language skills;
 - i) any legal publication;
 - j) grade in compulsory education arranged for practicing law in a specific jurisdiction for which a bar examination is required, and participation in facultative trainings;
 - k) any extra-curricular activities that may be taken into consideration for judgeship.

(2) In addition to the provisions of Subsection (1), the following shall be taken into account as objective criteria:

- a) evaluation of judiciary experience spent as a court secretary with a member of the Országos Bírói Tanács (*National Committee of Justices*) (hereinafter referred to as "OBT") by the OBT member,
- b) in the case of applications for judgeships for administrative actions, judiciary experience in the field of administrative law after receiving the law degree.

(3) In connection with applications for judgeships, the following subjective criteria shall apply:

- a) the opinion of the college in the case of applicants applying for a post in a general court, court of appeal or the Kúria (hereinafter referred to as "higher judicial office"), with the proviso that in formulating the opinion of the labor college of the competent court of appeal only appellate judges of that college may participate;
- b) the findings of the interview by the chamber of judges;
- c) the opinion of the president of the district court where the post is available.

(4) The minister in charge of the judicial system shall decree the number of points to be awarded for the criteria listed in Subsections (1)-(3) in connection with applications submitted for judge's posts, higher judicial offices. In the case of applicants for a higher judicial office, the items contained in Paragraph a) of Subsection (1) and Paragraph a) of Subsection (3) shall be given priority in the process of evaluation of the criteria provided for in Subsections (1) and (3).

Section 15²²

(1) After the deadline for applications:

- a) the chamber of judges of the general court, if the vacancy is at a district court or general court,
 - b) the chamber of judges of the court of appeal, if the vacancy is at a court of appeal,
 - c) the chamber of judges of the Kúria (*Curia*), if the vacancy is at the Kúria,
- shall interview the applicants within fifteen days, and shall determine the ranking of applicants based on the number of points awarded.

²² Established by Section 96 of Act CXXVII of 2019, effective as of 1 April 2020.

(2) If the notice of vacancy is published for a district court, the time limits specified in Subsection (1) shall begin when the applications are received by the president of general court.

(3) In the case of remedying deficiencies the time limits specified in Subsections (1) and (2) shall start when the deficiencies are remedied.

(4) In ranking the applicants the judiciary council may not deviate from the order received based on the number of points.

(5) Where several applicants have the same number of points, their ranking shall be decided based on the conclusions made by the judiciary council following the interview. If the applicants are given the same number of points after being interviewed by the judiciary council, their ranking shall be decided by a reasoned decision of the judiciary council adopted by simple majority, in writing.

(6) In the event of any changes among the applicants objectively ranked in the first three places based on the number of points awarded by the judiciary council after the interview, the judiciary council shall give the reasons in writing for awarding the number of points to the applicants separately.

(7) The judiciary council shall forward the ranking of applicants and the applications, including its reasoned decision made out in writing in the cases under Subsections (5) and (6), to the president of the general court or court of appeal, or the President of the Kúria without delay.

Section 16

(1) The president of the general court or the court of appeal, if in agreement with the appointment of the applicant ranked first, shall send the ranking of applicants and their applications to the President of OBH within eight working days for the purpose of assessment.

(2) The president of the general court or the court of appeal may deviate from the ranking of the judiciary council, and may recommend the appointment of the second or third placed applicant. If the president of the general court or the court of appeal recommends for the position the appointment of an applicant other than the applicant ranked first by the judiciary council, the reasons shall be given in writing and the reasoned recommendation, the ranking of applicants and the applications shall be sent within eight working days to the President of OBH for the evaluation of applications.

9. Evaluation of applications

Section 17

Applications are evaluated by the President of OBH, or the President of the Kúria (*Curia*) if the vacancy is at Kúria.

Section 18

(1) If the President of OBH is in agreement with the appointment of the applicant ranked first and the first ranked applicant is other than a judge, the President of OBH shall conclude the selection process by forwarding the application to the President of the Republic within eight working days for the purpose of appointment.

(2) If the President of OBH is in agreement with the appointment of the applicant ranked first and the first ranked applicant is a judge, the President of OBH shall conclude the selection process by transferring the judge within eight working days.

(3)²³ The President of OBH may - in accordance with Subsections (4) and (5) - deviate from the ranking of the judiciary council, and may recommend the appointment of the second or third placed applicant, or may decide to conclude the selection process by transferring the second or third placed applicant.

²³ Established by Subsection (2) of Section 15 of Act CXI of 2012, effective as of 17 July 2012.

(4)²⁴ If the nominated applicant is other than a judge, the President of OBH shall send the applications of the first three applicants, indicating the one nominated, accompanied by a written recommendation giving the reasons for the deviation to OBT for obtaining consent. OBT shall decide on the recommendation within fifteen days. If OBT is in agreement with the recommendation of the President of OBH, the President of OBH shall nominate the applicant to the President of the Republic within eight working days for appointment. If OBT is in disagreement with the recommendation of the President of OBH, the President of OBH shall nominate the first ranked applicant, if other than a judge, to the President of the Republic within eight working days for appointment, or, if a judge, shall transfer such applicant within eight working days, or shall make a new recommendation to OBT, or declare the selection process inconclusive.

(5)²⁵ If the nominated applicant is a judge, the President of OBH shall send the applications of the first three applicants, indicating the one nominated, accompanied by a written recommendation giving the reasons for the deviation to OBT for obtaining consent. OBT shall decide on the recommendation within fifteen days. If OBT is in agreement with the recommendation of the President of OBH, the President of OBH shall transfer the judge within eight working days. If OBT is in disagreement with the recommendation of the President of OBH, the President of OBH shall transfer the first ranked applicant, if a judge, within eight working days, or, if other than a judge, shall nominate such applicant to the President of the Republic within eight working days for appointment, or shall make a new recommendation to OBT, or declare the selection process inconclusive.

Section 19²⁶

If the notice of vacancy is published for a post at the Kúria (*Curia*) Section 18 shall apply with the derogation that the functions of the President of OBH shall be exercised by the President of the Kúria, and if the selection process is successful, shall contact the President of OBH for the purpose of nomination or transfer, and the President of OBH shall comply with the request of the President of the Kúria within eight working days.

10. Inconclusive selection process

Section 20

(1)²⁷ The selection process shall be considered inconclusive:

a) if no application is received, or the president judge refused all applications in accordance with Section 13; or

b) if the President of OBH - as being ultimately entitled to assess the applications, or the President of the Kúria if the vacancy is at Kúria (*Curia*), does not support the appointment of neither of the applicants,

ba) as it would result in a conflict of interest as under Section 41,

bb) due to any breach of procedural regulations by those taking part in the assessment of applications,

bc) as the reasons offered by the judiciary council as required under Subsections (2) and (2a) of Section 15 are deemed insufficient,

bd) on account of changes arising after the notice of vacancy was published in work organization conditions, work loads or funding filling the post is no longer considered viable for administrative reasons,

be) due to certain conditions arising after the notice of vacancy was published, in consequence of which the post is to be filled by ways other than a public selection process in accordance with Section 8 of this Act.

²⁴ Established by Subsection (2) of Section 15 of Act CXI of 2012, effective as of 17 July 2012.

²⁵ Established by Subsection (2) of Section 15 of Act CXI of 2012, effective as of 17 July 2012.

²⁶ Established by Section 16 of Act CXI of 2012, effective as of 17 July 2012.

²⁷ Established by Subsection (3) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

(2)²⁸ Where any of the disqualification criteria provided for in Paragraph a) and Subparagraphs *ba*)-*bc*) of Paragraph *b*) apply, the selection process shall be repeated.

11. Notification of applicants, remedy against decisions adopted in the selection process²⁹

Section 21

(1) Except where the notice of vacancy is published for a post at the Kúria (*Curia*), the President of OBH shall inform the president judge of the court affected on the outcome of the selection process.

(2) The president judge shall inform the applicants on the outcome of the selection process in writing, indicating also the ranking of the individual applicants and the points they received.

(3)³⁰ The President of OBH shall publish his decision for the transfer of a judge on the central website, and also in the official journal of the judiciary.

(4)³¹ If the selection process was successful, any applicant who participated and whose application was not refused under Section 13 may challenge the outcome of the selection process within a preclusive period of fifteen days from the time of publication - as provided for in Subsection (3) - in the Magyar Közlöny of the decision on the appointment of the successful applicant, or on the transfer of the successful applicant, if the conditions laid down in this Act for the award of judgeship are not satisfied in the case of the successful applicant, or if successful applicant fails to meet the requirements set out in the notice of vacancy.

(5)³² The complaint shall be submitted in writing to the president of the court affected, and the president shall forward it to the President of OBH within five working days, except if the notice of vacancy was published for a post at the Kúria. The President of OBH, or the President of the Kúria where applicable, shall be indicated as the requested party. The President of OBH, and/or the President of the Kúria shall forward the complaint within five working days to the court of judges of first instance, accompanied by its assessment of the complaint and the underlying documents.

(6)³³ The court of judges of first instance shall adopt a decision concerning the complaint within fifteen days. If the judge is appointed, the court of judges of first instance shall check compliance with the conditions for the award of judgeship for the purposes laid down in Paragraphs *a*), *c*), *d*), *f*) and *g*) of Subsection (1) of Section 4, Subsection (2) of Section 4 and Subsection (1) of Section 5. If the judge is transferred, the court of judges of first instance shall check compliance only with the conditions set out in the notice of vacancy. If the court of judges of first instance finds that the successful applicant may not be given a judge's post based on the conditions laid down in this Act for the award of judgeship, or that the successful applicant does not comply with the conditions set out in the notice of vacancy, the court shall adopt a ruling to that effect and shall communicate that ruling to the applicant who lodged the complaint, and also to the assessor of the application for taking the necessary measures, and to the President of the Republic. If the complaint is found unsubstantiated, the court of judges of first instance shall dismiss the complaint, and shall deliver its decision to the applicant who lodged the complaint, to the assessor of the application and to the president of the court affected. No further remedy shall lie against the decision of the court of judges of first instance.

(7)³⁴ The court of judges shall conduct the proceedings for the adjudication of the complaint - subject to the derogations provided for in Subsections (5) and (6) - in due observation of the provisions on disciplinary proceedings, with the proviso that the complaint shall be adjudged without the appointment of an investigating officer and without a preliminary inquiry, in council, if deemed necessary after obtaining the relevant documents and after hearing the parties.

²⁸ Established by Subsection (2) of Section 22 of Act LXXI of 2015, effective as of 19 June 2015.

²⁹ Established by Subsection (1) of Section 17 of Act CXI of 2012, effective as of 17 July 2012.

³⁰ Enacted by Subsection (2) of Section 17 of Act CXI of 2012. Amended by Subsection (2) of Section 19 of Act CXXXI of 2013.

³¹ Enacted by Subsection (2) of Section 17 of Act CXI of 2012, effective as of 17 July 2012.

³² Established by Section 97 of Act CXXVII of 2019, effective as of 1 April 2020.

³³ Established by Section 97 of Act CXXVII of 2019, effective as of 1 April 2020.

³⁴ Enacted by Section 97 of Act CXXVII of 2019, effective as of 1 April 2020.

12. Oath

Section 22

(1) Before taking up their activities, judges shall take an oath before the president of the court within eight working days from the date of appointment. The oath shall contain the text set out in Act XXVII of 2008 on the Oath and Deposition of Public Officials, including the passage preceding the closing sentence thereof, and shall read as follows:

“I do solemnly swear to judge the cases that come before me under the principle of fair legal process, unbiased, conscientiously and objectively, and solely in accordance with the law. I shall exercise my profession guided by fairness and equity.”

(2) In taking the oath under Subsection (1), the office referred to in the oath set out in Act XXVII of 2008 on the Oath and Deposition of Public Officials shall be “judge”.

(3) If the judge is prevented by any impediment from taking the oath, the oath may be taken within eight working days from the removal of such impediment, or at the latest within three months from the time of appointment.

(4) The oath may be taken only if the judge has filed a declaration of personal wealth.

CHAPTER III**TERM OF APPOINTMENT, ASSIGNMENT, TRANSFER AND SECONDMENT OF JUDGES**

13. Term of appointment of judges

Section 23

(1)³⁵ Subject to the exceptions set out in Subsection (2), the term of a judge appointed for the first time (first-term judge) shall be three years; in all other cases it shall be indefinite.

(2) The first appointment of a judge shall - by recommendation of the body assessing the applications - be for an indeterminate term if:

a) the candidate has worked at least three years - unless otherwise provided for by law - as a judge or judge advocate,

b) the candidate worked as a constitutional court judge, or in judicature in any international organization or an agency of the European Union, or was engaged in activities related to the judiciary for at least five years immediately before the appointment,

c) the candidate has outstanding theoretical legal expertise in the fields of science or education.

(2a)³⁶ For the purposes of Paragraph c) of Subsection (2), a judicial expert with outstanding theoretical legal expertise shall mean university professors, holders of the title doctor of the Magyar Tudományos Akadémia (*Hungarian Academy of Sciences*), or any person with at least twenty years of experience in the legal profession; such judiciary experience shall be obtained in a position for which a law degree is required.

(3)³⁷ If the service relationship of a judge terminates under Paragraph g) or n) of Section 90 and if the judge lodges a request within thirty days from the end of the term indicated therein to be re-appointed as a judge, he/she shall be appointed upon his/her request by the President of the Republic by ways other than a public selection process - on a recommendation by the President of OBH - for a fixed or unfixed term, with the same status as before the termination. The President of OBH shall transfer or appoint the judge to a vacant judge's post, or, in justified cases, to serve as a presiding judge without a public selection process. The judge shall be appointed to a vacant judge's post equal to, or at least of the same level as, his last post before the termination of his service relationship, preferably to a court close to the residence of the judge. The judge may be transferred to another post upon his/her consent. The period of

³⁵ Amended under Paragraph b) of Subsection (1) of Section 29 of Act CXI of 2012.

³⁶ Enacted by Subsection (1) of Section 79 of Act LXXXVI of 2012, effective as of 1 July 2012.

³⁷ Established by Section 1 of Act XXXV of 2018, effective as of 26 July 2018.

employment under a relationship referred to in Paragraphs *g*) and *n*) of Section 90 shall be taken into consideration as service time.

Section 24

(1) At least ninety days prior to the last day of a judge's term, the president of the court shall obtain a statement from the judge as to whether the judge would like his/her appointment renewed for an indeterminate period.

(2) If the judge requests an appointment for an indeterminate period and he/she has been serving as a judge for over eighteen months - having regard to Subsection (3) of Section 25 - prior to the opening of the time limit specified in Subsection (1) hereof, the work he/she has performed while in office shall be evaluated. The evaluation shall be conducted in accordance with the provisions of Chapter V, with the proviso that it has to be completed within thirty days from the date when ordered, and the evaluation shall offer a conclusion as to whether the judge is suitable to be appointed for an indefinite period.

(3) If the judge is found suitable to be appointed for an indefinite term, a nomination for appointment shall be submitted - by ways other than a public selection process - to the President of the Republic at least thirty days prior to the last day of the third year.

Section 25

(1) The service relationship of any judge who has not requested appointment for an indefinite term or who has been judged unsuitable as a result of the examination referred to in Subsection (2) of Section 24 shall be terminated effective as of the last day of the third year following the date of his original appointment.

(2)³⁸ Any judge whose term in office is less than eighteen months shall be re-appointed by the President of the Republic - on a recommendation by the President of OBH, by amendment of the appointment - for another fixed term of three years, unless the judge does not wish to continue his service relationship. Nominations for appointment shall be lodged in accordance with what is contained in Subsection (3) of Section 24. A judge may be re-appointed as long as the total duration of work the judge has actually performed, that is required for assessment, reaches the minimum of eighteen months.

(3) In the case of part-time employment, the minimum duration of work the judge has actually performed, as referred to in Subsection (2) of Section 24, may include the period of part-time work in the proportion the part-time work represents in full-time employment.

(4)³⁹

*Section 25/A*⁴⁰

For the purposes of Subsection (2) of Section 24 and Subsection (2) of Section 25, any duration of assignment to OBH shall not be recognized as judgeship.

14. Assignment of judges

Section 26

(1)⁴¹ A judge, when first appointed, shall be assigned by the President of OBH. Subsequent assignments shall be made by the President of the Kúria (*Curia*) to a post at the Kúria, by the president of the court of appeal to a post at the court of appeal, and by the president of the general court to a post at the general court or district court.

(2) The assignment order of a judge shall be drawn up in writing, and it shall specify the judge's place of service, his position, the first day of service, the judge's pay grade and basic

³⁸ Established by Section 18 of Act CXI of 2012, effective as of 17 July 2012.

³⁹ Repealed by Subsection (2) of Section 29 of Act CXI of 2012, effective as of 17 July 2012.

⁴⁰ Enacted by Subsection (4) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

⁴¹ Established by Section 98 of Act CXXVII of 2019, effective as of 1 April 2020.

salary, descriptions and amounts of bonuses and other benefits, and the timetable for compulsory promotion.

(3)⁴² The assignment of a judge shall be for an indefinite period unless the judge is being appointed for the first time for a fixed term, and with the exception under Subsection (2) of Section 25.

(4) Where a vacant judgeship is filled by ways other than a public selection process, the judge's consent is required for the assignment.

(5) When a judge is transferred for judicial reasons to another court located in another municipality, he/she shall be reimbursed in full for all moving-related expenses.

Section 26/A⁴³

(1) If a judge is attached to a district court that maintains a judicial venue set up within its organizational structure, the judge shall serve - except as provided in Subsection (2) - both at the seat of the district court and at the judicial venue in accordance with the case allocation rules.

(2) A judge may not be posted without his/her consent to the judicial venue of a district court:

- a) from the time her pregnancy is diagnosed until her child reaches three years of age;
- b) if the judge is a single parent with a minor child;
- c) if the judge is nursing a family member in need of long-term care; or
- d) the judge suffers in a permanent illness or serious health impairment.

15. Specific cases of assignment of judges, derogation from the original assignment

Section 27

(1) The President of OBH shall - on a recommendation by the president judge - assign judge advocates to military tribunals and - when their professional service relation with the Hungarian Army ends - to other judicial offices under Subsection (3) of Section 97.

(2) The President of OBH may optionally assign a judge to the OBH, to the Kúria (*Curia*) on a recommendation by the President of the Kúria, or, in agreement with the minister in charge of the judicial system, to the ministry of the minister in charge of the judicial system (hereinafter referred to as "Ministry").

(3) In the cases under Subsections (1) and (2), the judge's consent is required for the assignment.

Section 27/A⁴⁴

(1) The President of OBH may assign an administrative law judge

- a) to the Alkotmánybíróság Hivatala (*Office of the Constitutional Court*);
- b) to the Alapvető Jogok Biztosának Hivatala (*Office of the Commissioner of Fundamental Rights*);
- c) to the Állami Számvevőszék (*State Audit Office*);
- d) to the public prosecutor's office;
- e) to a central government agency;
- f) to a Budapest and county government agency.

(2) Assignment to a body mentioned in Subsection (1) (hereinafter referred to as "relevant body") may be initiated by the head of the relevant body at the request of the administrative law judge, or by the Prosecutor General in the case of the public prosecutor's office. The assignment requires the consent of the president judge exercising employer's rights.

⁴² Amended by Paragraph a) of Section 28 and Paragraph c) of Subsection (1) of Section 29 of Act CXI of 2012.

⁴³ Enacted by Section 99 of Act CXXVII of 2019, effective as of 1 April 2020.

⁴⁴ Enacted by Section 100 of Act CXXVII of 2019, effective as of 1 April 2020.

Section 28

(1) By decision of the President of OBH, a judge may be posted to long-term foreign service upon his consent. A judge in long-term foreign service shall retain his judge's status, however, he may adjudicate cases only within the framework of the foreign service; following conclusion of the foreign service, his assignment to a judge's post shall be accomplished in accordance with Subsections (3) and (4) of Section 58.

(2) A judge in long-term foreign service shall be entitled - by decision of the President of OBH, apart from the salary due under this Act - to reimbursement of expenses incurred in connection with the foreign service, which are not borne or covered by the international organization or the European Union.

(3) The duration of long-term foreign service shall be treated as time spent at the place of service previous to the long-term foreign service.

Section 29

(1) The person exercising employer's rights may task a judge - subject to his/her written consent - to carry out administrative duties for a specific period or indefinitely, exclusively or partly.

(2) In the interest of supporting the coordinated execution of central administration duties involving several courts, the President of OBH may assign a judge to carry out special tasks - subject to his/her written consent - in agreement with the president judge exercising employer's rights.

Section 29/A⁴⁵

Judges delegated to the ad hoc Board of Clemency formed by the President of the Kúria (*Curia*) according to the relevant legislation shall perform their such duties in addition to their regular functions in judicature and management.

16. Delegation of judges

Section 30

(1)⁴⁶ Administrative law judges shall be delegated by the President of OBH, on a recommendation by the president of general court.

(1a)⁴⁷ Labor law judges shall be delegated by the President of OBH, on a recommendation by the president of general court in respect of general court judges, or on a recommendation by the president of court of appeal in respect of court of appeal judges.

(2)⁴⁸ Judge hearing the cases under Subsection (4) of Section 680 of Act XC of 2017 on the Code of Criminal Procedure (hereinafter referred to as "CP"), and judges serving as court mediators are delegated by the President of OBH on a recommendation by the president judge.

(3)⁴⁹ The powers referred to in Subsections (1), (1a) and (2) are exercised by the President of the Kúria (*Curia*) with respect to Kúria judges.

(4) Judges presiding over cases for the review of unlawful municipal decrees, and over proceedings opened in connection with a municipal government's failure to discharge its statutory legislation obligation shall be delegated by the President of the Kúria.

(5) The President of the Kúria shall notify the President of OBH of the judges thus delegated.

(6) Judges must give their consent before they are delegated.

⁴⁵ Enacted by Section 163 of Act LXXII of 2014, effective as of 1 January 2015.

⁴⁶ Established by Subsection (1) of Section 101 of Act CXXXVII of 2019, effective as of 1 April 2020.

⁴⁷ Enacted by Subsection (1) of Section 101 of Act CXXXVII of 2019, effective as of 1 April 2020.

⁴⁸ Amended by Paragraph a) of Subsection (25) of Section 12 of Act CCXLIII of 2013, Paragraph a) of Section 6 of Act CXXII of 2018.

⁴⁹ Established by Subsection (2) of Section 101 of Act CXXXVII of 2019, effective as of 1 April 2020.

(7)⁵⁰ The President of OBH shall terminate the delegation when so requested by the person who made the recommendation for delegation.

(8)⁵¹ With the exception of assignment to the relevant body, in the event of any change in the place of posting the delegation shall be terminated.

17. Secondment

Section 31

(1)⁵² The president of general court shall have authority to second judges if it takes place between a general court and a district court, or between district courts within the area of jurisdiction of the general court. In other cases the President of OBH shall have authority to second judges.

(2)⁵³ A judge may be seconded to another venue where deemed necessary for the fair distribution of caseload or if it serves the interest of his/her professional advancement.

(3)⁵⁴ A judge may be seconded without his/her consent once in a three-year period and for a maximum of one year to another place for serving as a judge where deemed necessary for the fair distribution of caseload.

(4) A judge may be seconded to another venue while carrying on the same activities related to judicature subject to the judge's consent.

(5) With a view to facilitating his/her professional advancement, a judge may be assigned, upon the initiative of the president of a general court or court of appeal, or the President of the Kúria (*Curia*), to the general court, court of appeal or the Kúria.

Section 32

(1) If a judge is assigned to a venue outside the area of jurisdiction of the general court or if a judge of a court of appeal is seconded to another venue, the President of OBH - vested with powers to affect the assignment - shall obtain the opinion:

- a) of the president of the general court affected,
- b) of the president of the court of appeal affected.

(2) Secondments shall be made in due consideration of the judge's reasonable interest.

(3) A judge may not be transferred without his/her consent to work in a town other than the one where his/her home address, habitual residence or place of service is located:

- a) from the time her pregnancy is diagnosed until her child reaches three years of age;
- b) if the judge is a single parent with a minor child;
- c) if the judge is nursing a family member in need of long-term care;
- d) the judge suffers in a permanent illness or serious health impairment.

(4)⁵⁵ For the purposes of this Act, family member means the persons defined as close relatives in the Civil Code, save where the provisions governing declarations of personal wealth apply.

(5) The assignment order shall be delivered in writing to the judge affected at least thirty days in advance, indicating the reason, the place where assigned to, the date of commencement and the length of service.

Section 33

(1) A judge may be assigned temporarily to another venue according to the time limit specified in the conditions set out in the notice of vacancy for judgeship, where this is deemed necessary for balancing the caseload between courts if considered disproportionate. Submission of the application shall be construed consent for the assignment.

⁵⁰ Enacted by Subsection (5) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

⁵¹ Enacted by Subsection (3) of Section 101 of Act CXXVII of 2019, effective as of 1 April 2020.

⁵² Established by Section 102 of Act CXXVII of 2019, effective as of 1 April 2020.

⁵³ Established by Section 19 of Act CXI of 2012, effective as of 17 July 2012.

⁵⁴ Established by Section 19 of Act CXI of 2012, effective as of 17 July 2012.

⁵⁵ Established by Section 103 of Act CXXVII of 2019, effective as of 1 April 2020.

(2)⁵⁶ In the case under Subsection (1) the judge shall be assigned to a court corresponding to the post for which the notice of vacancy was published.

18. Transfer

Section 34

(1) Any judge who holds a judge's post at another court subsequently awarded by way of selection process shall be transferred by the President of OBH.

(2)⁵⁷ If a court ceases to exist or its competence or area of jurisdiction is reduced to an extent requiring the elimination of a judgeship, the President of OBH shall offer - after consulting with the President of the Kúria (*Curia*) where the Kúria is affected - to the judges affected new judgeships at a court of the same level, or at most one level up or one level down, where applications for those positions have not yet been evaluated. The judge shall have eight working days to choose from the judgeships offered. If a court ceases to exist or its competence or area of jurisdiction is reduced to an extent requiring the elimination of more than one judgeships, the judges affected shall be allowed to make a choice according to seniority in terms of age. If no judgeship is available, or the judge did not choose either, the President of OBH shall transfer the judge to a court of the same level, or at most one level down, taking into account his/her reasonable interests.

(3) Any judge who is transferred by the President of OBH to a lower court owing to the reasons referred to in Subsection (2) shall be entitled to keep his/her salary and previous title indicating his/her judicial rank.

(4)⁵⁸ If a judge brings charges in connection with being transferred as under Subsection (2), the competence of the general court acting as labor court shall be limited to examining the decision of the President of OBH for compliance with the laws and regulations applicable to making such decision.

CHAPTER IV

RIGHTS AND OBLIGATIONS OF JUDGES⁵⁹

19. Rights of judges

Section 35

(1) Judges shall be provided the conditions necessary to enable them to carry out their duties effectively.

(2) The number of cases assigned to a judge shall be determined so as to permit compliance with procedural and administrative regulations and to ensure that the workload is distributed evenly among the judges.

(3)⁶⁰ If the court is hearing a case under the relevant chapter of Act III of 1952 on the Code of Civil Procedure pertaining to high profile actions, the judges involved shall be exempted from other work duty and shall be relieved - if necessary - from other duties in order to ensure that the relevant rules of procedure are satisfied and the deadlines are met.

(4) The salary of judges shall reflect the gravity of their responsibilities and the dignity of their office, and it shall be sufficient to ensure their independence.

20. Obligations of judges

⁵⁶ Established by Subsection (2) of Section 79 of Act LXXXVI of 2012, effective as of 1 July 2012.

⁵⁷ Established by Subsection (1) of Section 20 of Act CXI of 2012, effective as of 17 July 2012.

⁵⁸ Enacted by Subsection (2) of Section 20 of Act CXI of 2012. Amended by Paragraph b) of Subsection (1) of Section 146 of Act CXXVII of 2019.

⁵⁹ Amended by Paragraph b) of Section 28 of Act CXI of 2012.

⁶⁰ Established by Subsection (2) of Section 5 of Act CXXII of 2018, effective as of 1 January 2019.

Section 36

(1) Judges shall at all times remain true to the oath they have taken; they may not refuse to perform their judicial functions, and they shall handle the cases assigned in a dedicated and conscientious manner.

(2) Judges shall proceed in all cases without prejudice and free from influence.

(3) Judges shall deflect any attempt to influence their judgment, and they shall report such attempts to the president of the court.

(4) Judges shall remain fair and unbiased toward all parties to a case during the proceedings.

Section 37

(1) Judges shall safeguard any and all classified information both during and after their term of office. Exemption from the obligation to maintain confidentiality may only be granted by an authority duly authorized by law.

(2) Judges shall remain irreproachable and honorable in their demeanor and shall not engage in any conduct that is likely to undermine public confidence in the court system or detract from the prestige of the legal system.

(3) Judges shall adjudge their assigned cases within a reasonable timeframe consistent with the amount of work involved and any special action that may be required.

(4) Judges shall, to the best of their knowledge, provide assistance for the professional development of court secretaries and court clerks subordinate to them.

(5) The obligation of judges conferred under their service relationship shall include their compliance with the instructions of a court executive relating to administrative matters and not concerned with sentencing.

Section 38⁶¹

A judge, during his/her term in office, shall produce official documentary evidence when so requested by the person exercising employer's rights in writing to verify that he/she is not subject to any of the disqualifying factors under Paragraphs a)-f) of Subsection (2) of Section 4, within fifteen working days from the time of receipt of the request.

21. Conflict of interest

Section 39

(1) Judges may not hold membership in any political party and may not engage in political activities.

(2)⁶² Judges may not be Members of Parliament, Members of the European Parliament, council members of municipal governments, spokesmen for a nationality, mayors, or political dignitaries, state secretaries for public administration or deputy state secretaries under Act CXXV of 2018 on Government Administration.

(3)⁶³ Judges assigned to the OBH, the Ministry or - with the exception of the public prosecutor's office - to a relevant body may, of the executive offices, only hold the office of senior department head, deputy senior department head or department head, or may be employed in such positions.

⁶¹ Amended by Paragraph d) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

⁶² Amended by Paragraph b) of Subsection (32) of Section 158 of Act XXXVI of 2012, Paragraph c) of Subsection (1) of Section 146 of Act CXXVII of 2019.

⁶³ Enacted by Section 104 of Act CXXVII of 2019, effective as of 1 April 2020.

Section 40

(1)⁶⁴ Judges in office may not engage in any other gainful activities with the exception of scientific, educational, coaching, refereeing or umpiring, artistic activities, or copyrighted literary, editorial and design activities, and they may pursue the activities of registered foster carers; these activities, however, may not jeopardize their objectivity and impartiality or give the appearance of such impropriety, nor may they interfere with the judge's official responsibilities.

(2)⁶⁵ Judges may not hold any executive office in a business association, cooperative association or cooperative society or membership requiring personal involvement, nor may they be members of the supervisory board of a business association, cooperative association or cooperative society, they may not hold membership in a business association, cooperative association or cooperative society with unlimited liability, they may not hold membership in a sole proprietorship, and may not hold any executive office in a public-benefit organization that is engaged in the pursuit of economic-business activities.

(3) A judge, during his/her term in office, may enter into any other work-related contractual relationship that may effect his/her judgeship in full or in part upon the prior consent of the person exercising employer's rights. If consent is refused, no legal action may be initiated.

(4) A judge, during his/her term in office, may enter into any other work-related contractual relationship that will not effect his/her judgeship upon giving prior notice to the person exercising employer's rights. The person exercising employer's rights may prohibit such employment if it is considered under this Act incompatible with the judge's service relationship.

(5)⁶⁶ Judges may not serve as members in arbitration tribunals, with the exception of membership held in an advisory commission set up under Council Directive (EU) 2017/1852 of 10 October 2017 on tax dispute resolution mechanisms in the European Union according to Chapter III/A of Act XXXVII of 2013 on International Administrative Cooperation in Matters of Taxation and Other Compulsory Payments.

(6)⁶⁷ A judge shall not be allowed to receive old-age pension benefits, benefits provided before the legal age limit or any other cash benefits that is to be continued in the form of old-age pension benefits upon reaching the retirement age.

(7)⁶⁸ A judge holding a post of constitutional judge shall not constitute conflict of interest.

Section 41⁶⁹

Family members of court executives may not serve as judges in the court or department of the court where the court executive is president. For the purposes of this Section, the President of the Kúria (*Curia*) shall also be treated as a court executive.

Section 42

(1) Judges must report any cause for conflict of interests immediately when it arises.

(2) Any judge involved in a case of conflict of interest must take measures to achieve a mutual agreement to eliminate the cause of the conflict of interest within thirty days of its occurrence; otherwise the court executives referred to in Section 41 shall be relieved from office within thirty days by the authority by which they were appointed.

(3)⁷⁰ An exemption in a case of conflict of interest under Section 41 may be granted by the OBT. A conflict of interest may be eliminated specifically by exemption from the prohibition of use of the codecision procedure. Exemption may be granted if - having regard to all applicable circumstances - it is apparent that there is no other way available for filling the given executive office. In the decision-making process the interest of the judiciary carries the most weight.

⁶⁴ Established by Section 82 of Act CI of 2014, effective as of 1 January 2015.

⁶⁵ Established by Subsection (6) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

⁶⁶ Established by Subsection (1) of Section 105 of Act CXXVII of 2019, effective as of 20 December 2019.

⁶⁷ Enacted by Section 17 of Act XX of 2013, effective as of 2 April 2013.

⁶⁸ Enacted by Subsection (2) of Section 105 of Act CXXVII of 2019, effective as of 20 December 2019.

⁶⁹ Established by Section 106 of Act CXXVII of 2019, effective as of 1 January 2020.

⁷⁰ Amended by Paragraph c) of Section 28 of Act CXI of 2012.

(4)⁷¹ In the cases of conflict of interest provided for in Section 40, judges shall eliminate the reason giving cause to conflict of interest within thirty days - sixty days in the case under Subsection (6) of Section 40 - from the date of appointment, or if the conflict of interest arises while in office, from the date of occurrence. Until this is done, not including the conflict of interest referred to in Subsection (6) of Section 40, the judge affected may not engage in any activity that falls within exclusive judiciary competence.

(5)⁷² If the judge fails to meet the obligation prescribed in Subsection (4) in due time, the person exercising employer's rights shall declare the existence of a conflict of interests within five days after the deadline and shall move to have the judge removed from office.

(6)⁷³ The judge affected may contest the above-specified decision before the court of judges of first instance within fifteen days. The court of judges of first instance shall hear the case in priority proceedings in accordance with the provisions on disciplinary proceedings, and shall decide on the existence of conflict of interest. If the decision on the conflict of interest is upheld, the court of judges of first instance shall rule on the grounds for disqualification. If no conflict of interest applies, the court of judges of first instance shall so provide in its decision. A decision of conflict of interest may be appealed, and the appellate procedure conducted, in accordance with the provisions on disciplinary decisions.

(7)⁷⁴ The court of judges shall conclude cases brought against the employer's actions taken for the reasons provided for in Subsection (6) of Section 40 within fifteen days in the first and second instance both.

(8)⁷⁵ If, during the conflict of interest procedure, the judge eliminates the conflict of interest, the declaration of conflict of interest may be omitted in cases of exceptional circumstances.

21/A.⁷⁶ Security clearance of judges

Section 42/A⁷⁷

The security clearance of judges shall be governed by the provisions of Act CXXV of 1995 on National Security Agencies (hereinafter referred to as "NSA Act") on security clearance, subject to the derogations provided for in this Subtitle.

Section 42/B⁷⁸

(1) The security clearance of a judge shall be initiated by the person exercising employer's rights.

(2) In the application of the NSA Act, with regard to the security clearance of a judge the legal relationship which forms the basis for security clearance shall be construed as a post or job subject to security clearance or powers to act in court proceedings.

(3) Having regard to the security clearance of a judge Subsections (2)-(6) of Section 71 of the NSA Act shall not be applicable.

Section 42/C⁷⁹

Judge subject to security clearance means:

a) a judge whose powers to act in legal proceedings is rendered subject to security clearance by legislation;

b) a judge who

ba) holds the office of vice-president of the Kúria (*Curia*),

bb) holds the office of president, vice-president of a court of appeal,

⁷¹ Enacted by Section 18 of Act XX of 2013, effective as of 2 April 2013.

⁷² Enacted by Section 18 of Act XX of 2013, effective as of 2 April 2013.

⁷³ Established by Section 107 of Act CXXVII of 2019, effective as of 1 January 2020.

⁷⁴ Enacted by Section 18 of Act XX of 2013, effective as of 2 April 2013.

⁷⁵ Enacted by Section 18 of Act XX of 2013, effective as of 2 April 2013.

⁷⁶ Enacted by Section 108 of Act CXXVII of 2019, effective as of 1 January 2020.

⁷⁷ Enacted by Section 108 of Act CXXVII of 2019, effective as of 1 January 2020.

⁷⁸ Enacted by Section 108 of Act CXXVII of 2019, effective as of 1 January 2020.

⁷⁹ Enacted by Section 108 of Act CXXVII of 2019, effective as of 1 January 2020.

- bb)* holds the office of president, vice-president of a general court,
- bd)* holds the office of vice-president of OBH,
- be)* holds the office of senior department head in the OBH, of a department specified by the President of OBH as provided for in the relevant regulations,
- bf)* holds an office or a position in the Ministry or in the relevant body for which security clearance is required;
- c)* a judge whose responsibility in the OBH or the court includes
 - ca)* national defense, civil defense tasks,
 - cb)* supervising the implementation of the Act on the Protection of Classified Information, and the operation and security of electronic information system (head of security),
 - cc)* overseeing the enforcement of personnel, physical, administrative and system security requirements of the electronic information system (system security supervisor),
 - cd)* supervising the operation and maintenance of the electronic information system under the guidance of the system security supervisor (system administrator).

22. Public statements

Section 43

Outside their service relationship, judges shall not be permitted to publicly comment on any case that is in progress or has been concluded, particularly cases over which they have presided.

Section 44

- (1) Judges may not release any information to the press, radio or television on any case over which they preside.
- (2) Information on any case that is in progress before the court or that has been concluded may be provided to the press, radio or television by the president of the court or a person whom he/she has authorized.

23. Training of judges

Section 45

- (1)⁸⁰ Judges shall be required to participate in regular training provided free of charge for maintaining proper levels in judicature, and shall verify completion of the mandatory training sessions decreed by the President of OBH, every three years to the person exercising employer's rights.
- (2) Any judge who fails to comply with the requirement for further training for reasons within his/her control shall immediately be placed under examination, and shall not be permitted to submit an application for higher judicial office.
- (3) The president of general court and court of appeal, and the President of the Kúria (*Curia*) shall provide for the conditions enabling the judges to meet the requirements set out in Subsection (1).
- (4) The rules concerning the training scheme referred to in Subsection (1) and for compliance with the requirement for further training shall be decreed by the President of OBH.

24. Electronic signature

Section 46

- (1) Judges shall affix their - official - qualified or advanced electronic signatures provided for in specific other legislation (hereinafter referred to as "electronic signature") to the electronic documents they have prepared in cases under their jurisdiction.

⁸⁰ Established by Subsection (7) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

(2)⁸¹ In connection with electronic signatures, judges shall rely on the services of service providers designated by the President of OBH engaged in providing electronic-signature services (hereinafter referred to as “Trust Service Provider”).

(3)⁸² Judges shall proceed in accordance with the provisions of Act CCXXII of 2015 on the General Rules for Trust Services for Electronic Transactions (hereinafter referred to as “E-government Act”) in contracting, maintaining and terminating electronic-signature services. Simultaneously with providing information to the Trust Service Provider, judges shall also notify the President of OBH concerning their compliance with the disclosure requirement set out in Subsection (1) of Section 85 and Subsection (4) of Section 97 of the E-government Act.

(4)⁸³ Judges shall forthwith notify the President of OBH if their signature-creation data was lost or accessed by any unauthorized person, and the President of OBH shall notify the Trust Service Provider. The Trust Service Provider is required to withdraw the certificate without delay upon the request of the President of OBH, if the judge concerned did not previously notify the Trust Service Provider that his signature-creation data was lost or accessed by any unauthorized person.

(5)⁸⁴ The President of OBH shall request the Trust Service Provider to withdraw or suspend the certificate issued for the electronic signature of a judge who has been transferred to a new post or office, or whose service relationship is terminated or suspended, or for any other reason. The Trust Service Provider shall comply with the request made by the President of OBH and withdraw or suspend the certificate effective immediately.

(6)⁸⁵

25. Working time of judges

Section 47

The weekly working time of judges shall be forty hours. Working time may be determined in units of month or four-weeks based on eight hours daily.

Section 48

Judges shall work according to the schedule fixed in the organizational and operational regulations of the court.

Section 49

(1) Based on the request a judge working in full-time employment has submitted in writing, the employer shall specify in the work schedule at least twenty hours of part-time work weekly, if the judge is on unpaid leave for providing home care for his/her child at the time the request is submitted, until the child reaches three years of age.

(2) The employer may refuse the judge’s request for irregular work hours only if it would impose an unreasonably greater amount of burden in terms of work organization. The employer shall, at the judge’s request, provide the reasons for refusal in writing.

(3) The order of part-time work shall take effect:

a) as of the day following the last day of unpaid leave,

b)⁸⁶ if the judge’s paid annual leave has to be allocated according to Subsection (3) of Section 123 of Act I of 2012 on the Labor Code (hereinafter referred to as “Labor Code”), from the day following the last day of such leave.

(4) Where Paragraph b) of Subsection (3) applies - unless there is an agreement between the parties to the contrary - the allocation of paid annual leave shall be initiated on the first working day following the last day of unpaid leave. If there is an agreement to the contrary,

⁸¹ Established by Subsection (1) of Section 70 of Act CXXI of 2016, effective as of 26 November 2016.

⁸² Established by Subsection (1) of Section 70 of Act CXXI of 2016, effective as of 26 November 2016.

⁸³ Amended by Paragraphs a)-b) of Subsection (3) of Section 70 of Act CXXI of 2016.

⁸⁴ Amended by Paragraphs b)-c) of Subsection (3) of Section 70 of Act CXXI of 2016.

⁸⁵ Repealed by Paragraph a) of Subsection (27) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

⁸⁶ Amended by Paragraph a) of Subsection (17), Subsection (18) of Section 79 of Act LXXXVI of 2012.

the allocation of paid annual leave shall be initiated within thirty days following the last day of unpaid leave.

(5) The request shall be submitted to the employer at least sixty days before the termination of the eligibility period for unpaid leave under Subsection (1). In the request the judge shall inform the employer:

a)⁸⁷ of the date when his/her child - on whose behalf the unpaid leave is granted - reaches four years of age, or six years of age in the case of judges with three or more children, and/or b) on his/her proposal for irregular hours, if wishing to work irregular work hours.

(6) From the time specified in Subsection (3), all payments made to the judge on the basis of the judge's service relationship, whether in money or in kind and whether directly or indirectly, must be provided pursuant to this Act in accordance with the length of time of work performed if salary is contingent upon the amount of working time.

(7) Within the framework of part-time work arrangement under Subsection (1), the employer shall keep the judge employed:

a) until the time indicated in the request, but

b)⁸⁸ up to the child's fourth birthday, or up to the child's sixth birthday if the judge has three or more children.

Thereafter, the judge's working hours shall be determined based on the pattern before the request was submitted, and his/her salary shall be established time proportionately.

Section 50

Section 49 shall not apply to court executives.

Section 51

The person exercising employer's rights shall - upon request - grant unpaid leave for a judge for the duration of foreign service, if his/her spouse is on foreign service.

Section 52

(1) For the exercise of judicial functions, judges may be required to work stand-by and on-call duty. Judges shall not be permitted to work more than forty-eight hours in a week, including regular working time and stand-by and on-call duty. Where working time is defined within the framework of working time banking, the aggregate weekly working time shall be taken into account in terms of the average of the working time banking.

(2) Judges shall be entitled to extra pay for stand-by and on-call duty.

(3) For the purposes of this Act:

a) 'on-call duty' shall mean when the judge is required to perform work at a place and for a duration specified by the employer;

b) 'stand-by duty' shall mean when the judge is required to perform work at a location specified by the judge that can be reached from the place of work.

(4) When on stand-by or on-call duty, the judge shall be required to remain in a condition suitable for work, and to perform work as instructed by the employer.

(5) The detailed rules relating to stand-by and on-call duty shall be decreed by the President of OBH.

26. Judges' obligation of trial

Section 53

(1) The president judge exercising employer's rights may authorize a judge after one year in judicial practice following his initial appointment to work at the court only on the days when he/she has trials scheduled.

⁸⁷ Amended by Paragraph a) of Section 76 of Act CXXVI of 2019.

⁸⁸ Established by Section 342 of Act XCIX of 2014. Amended by Paragraph b) of Section 76 of Act CXXVI of 2019.

(2) The president judge may revoke the above-specified authorization if the judge's work is unsatisfactory or if the judge falls seriously behind in handling his/her caseload. The judge shall be informed in writing of the reason for the revocation.

(3) If a judge is authorized to work at places other than the court, he/she shall nevertheless be required to perform his/her regular duties stemming from his service relation.

Section 54

Judges shall arrange their duties on designated trial days to achieve maximum efficiency in terms of the adjudication of cases within a reasonable timeframe.

27. Annual leave of judges

Section 55

(1) Judges in pay grade 1 shall be entitled to thirty working days of paid leave each year. Thereafter, the annual period of paid leave for the second pay grade shall be increased by two additional working days and then by one day for each pay grade.

(2) Judges over the age of fifty shall be entitled to forty working days of paid leave each year regardless of which pay grade they are in.

(3) Court executives shall receive five extra days of paid leave each year. The combined total of the paid annual leave and the extra days of leave of executives shall not exceed forty days a year.

(3a)⁸⁹ Upon the birth of his child, a father shall be entitled to five working days of extra paid leave, or seven working days in the case of twins, until the end of the second month from the date of birth, which shall be allocated on the days requested by the father. Such leave shall be provided also if the child is stillborn or dies.

(4)⁹⁰ The period of leave shall be scheduled by the person exercising employer's rights after consulting with the judge in advance. In the courts an annual vacation schedule shall be drawn up for the granting of leave.

(5)⁹¹ One-fourth of the paid annual leave shall be granted at the time requested by the judge, except during the first three months of the judge's service relationship. Judges shall notify their request to that effect at least fifteen days before the requested time of leave; derogation from this provision is permitted under special and equitable circumstances.

(6)⁹² If a judge took more paid leave before his/her service relationship is terminated than the number of days of entitlement on a time proportionate basis, the salary received for such extra days, and/or the benefits due under this Act on a time basis shall be repaid. Overpayment may not be reclaimed if the judge's service relationship ended due to his/her death or retirement.

(7)⁹³ The person exercising employer's rights shall - at the judge's request - authorize unpaid leave in duly justified cases, however, the total duration thereof may not exceed one year. In cases of exceptional circumstances the President of OBH shall have powers to authorize unpaid leave for a period of over one year.

Section 56

The Day of Courts shall be on the fifteenth day of July, and it will be a legal holiday for all court employees, including law enforcement employees.

⁸⁹ Enacted by Section 343 of Act XCIX of 2014, effective as of 1 January 2015.

⁹⁰ Established by Subsection (4) of Section 79 of Act LXXXVI of 2012, effective as of 1 January 2013.

⁹¹ Enacted by Subsection (4) of Section 79 of Act LXXXVI of 2012, effective as of 1 January 2013.

⁹² Enacted by Subsection (4) of Section 79 of Act LXXXVI of 2012, effective as of 1 January 2013.

⁹³ Established by Subsection (1) of Section 77 of Act CCXI of 2012, effective as of 2 January 2013.

28. Legal status of judges assigned to the OBH

Section 57

(1) Judges assigned to OBH shall retain their judge's title, however, they shall not participate in judicature. Their salary shall be governed by the provisions applicable to judges.

(2)⁹⁴

Section 58

(1) Unless otherwise provided for in this Act or the Act on the Organization and Administration of Courts, the President of OBH shall exercise employer's rights over the judges appointed to the OBH.

(2) The judges assigned to work in the OBH shall carry out the instructions and directions given by the President of OBH.

(3) At the end of the assignment, judges shall be assigned or transferred to a judge's post or, without a selection process in justified cases, to preside in a chamber in a court at the same level as before the transfer and, if possible, close to the judge's home address.

(4) At his consent, a judge may be transferred to another location.

(5) Otherwise, as regards the legal status of judges assigned to the OBH the provisions of Sections 35-55 shall apply mutatis mutandis.

Section 59

(1) The President of OBH may decide to terminate the assignment of a judge, or shall do so at the judge's request.

(2) When a judge's assignment is terminated, the judge shall continue to fulfill his/her duties for thirty days following receipt of notice or for as long as mutually agreed by the parties.

29. Legal status of judges assigned to the Ministry

Section 60

(1) Judges may be assigned to the Ministry for taking part in the preparation of legal regulations, handling cases of clemency or discharging other duties for which experience obtained in the judiciary is required.

(2) Judges assigned to the Ministry shall retain their judge's title, however, they shall not participate in judicature. Their salary shall be governed by the provisions applicable to judges.

(3) Judges appointed for a fixed term may not be assigned to the Ministry.

(4) Employer's right over the judges assigned to the Ministry shall be exercised by the minister in charge of the judicial system.

Section 61

(1) The judges shall follow and enforce the directions and instructions given by their superiors.

(2) With the exception of Section 45, the provisions set out in Sections 35-55 shall apply mutatis mutandis to the legal status of judges assigned to the Ministry.

Section 62

(1) The President of OBH shall terminate a judge's assignment to the Ministry:

a) at the request of the judge,

b) by proposal of the minister in charge of the judicial system.

(2) When a judge's assignment is terminated, the judge shall continue to fulfill his/her duties for thirty days following receipt of notice or for as long as mutually agreed by the parties.

⁹⁴ Repealed by Paragraph b) of Subsection (27) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

(3) At the end of the assignment, the judge shall be transferred from the Ministry to serve as a judge in accordance with what is contained in Subsections (3) and (4) of Section 58.

29/A.⁹⁵ Legal status of administrative law judges assigned to the relevant body

Section 62/A⁹⁶

(1) An administrative law judge may be assigned for carrying out administrative and other powers and responsibilities of a public-law nature within the core activity of the relevant body. The goal of the assignment is for the judge to acquire practical experience and knowledge through taking part in the work of the relevant body, and to support the work of the relevant body with his judicial experience in administrative law.

(2) The assignment may be for a fixed or indefinite duration. Judges appointed for a fixed term may be assigned for a duration not exceeding one year.

(3) The assignment shall not affect the judge's judiciary office and posting, however, under the duration of assignment he may not have a role in the administration of justice.

(4) Employer's rights with respect to a judge assigned to the relevant body shall be exercised by the head of the relevant body. In other respects relating to the legal status of judges assigned to the relevant body the provisions governing the legal status of judges assigned to the Ministry and to termination of such assignments shall apply *mutatis mutandis*, with the proviso that the head of the relevant body shall be construed as the minister in charge of the judicial system.

30. Legal status of judges assigned to the Kúria (*Curia*)

Section 63

(1) Judges may be assigned to the Kúria to assist in preparing harmonized decisions and for the purpose of jurisprudence analysis.

(2) Judges assigned to the Kúria for the purpose specified in Subsection (1) may not adjudicate cases in the Kúria; they shall be entitled to keep their salary and previous title indicating their judicial ranking.

(3) Judges appointed for a fixed term may not be assigned to the Kúria.

(4) The provisions of Sections 35-55 shall apply *mutatis mutandis* to the legal status of judges assigned to the Kúria. Employer's right over the judges assigned to the Kúria shall be exercised by the President of the Kúria.

Section 64

(1) The President of OBH shall terminate a judge's assignment to the Kúria:

a) at the request of the judge,

b) on a proposal by the President of the Kúria.

(2) At the end of the assignment, the judge shall be transferred from the Kúria to serve as a judge in accordance with what is contained in Subsections (3) and (4) of Section 58.

CHAPTER V

EVALUATION OF A JUDGE'S PERFORMANCE, INCOMPETENCY PROCEEDINGS

31. General provisions

Section 65

(1) The work of judges shall be evaluated in accordance with this Act.

⁹⁵ Enacted by Section 109 of Act CXXVII of 2019, effective as of 1 April 2020.

⁹⁶ Enacted by Section 109 of Act CXXVII of 2019, effective as of 1 April 2020.

(2) The sentencing practices of a court executive shall be evaluated in accordance with this Act when ordered by the entity of the appointment.

Section 66

Examinations underlying evaluation shall cover - on the basis of concluded cases - the substantive, procedural and administrative elements of the proceedings of a judge in terms of application and presiding over hearings.

32. Activity report underlying evaluation

Section 67⁹⁷

The annual performance of a judge shall be assessed in a report based on the number of cases handled and other information relating to performance, and on decisions of the second instance and review procedures. The President of OBH shall adopt regulations to define the information required and the layout of the report. The report together with the annual report of the president of the court shall be published on the central intranet server of the judiciary (hereinafter referred to as "intranet"). The information contained in the report shall be taken into account during the examination and evaluation of the judge.

33. Routine and ad hoc evaluations

Section 68⁹⁸

The performance of a judge appointed for an indefinite term following a fixed-term appointment shall be evaluated in the third year after the time of appointment, then at eight-year intervals, and optionally for the last time six years before reaching the age stipulated as a reason for dismissal. If the judge was appointed initially for an indefinite term, the judge's performance shall be evaluated within three years of the time of appointment and in the sixth year after that, then at eight-year intervals, and optionally for the last time six years before reaching the age stipulated as a reason for dismissal.

Section 69

The performance of a judge shall be evaluated immediately if:

- a) there is any reason to indicate that a judge is unable to function as a judge from a professional standpoint,
- b) requested by the judge him/herself,
- c)⁹⁹ any lawsuit in which the judge is presiding is pending for over two years - without any change in the person of the judge presiding -, and there is reason to believe, relying on the findings of examination of the documents of the case, that the judge is at fault in delaying the conclusions of the action within a reasonable timeframe.

Section 69/A¹⁰⁰

The executives falling within the appointment authority of the President of OBH, executives falling within the appointment authority of the President of the Kúria (*Curia*) and the vice-presidents of the Kúria, and any judge vice-president of OBH shall not be subject to routine evaluation during the period of their such mandate, as well as the judges assigned to the OBH, the Ministry or the Kúria during such assignment.

⁹⁷ Amended by Paragraph e) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

⁹⁸ Amended by Section 26 of Act XX of 2013.

⁹⁹ Enacted by Section 89 of Act CLXXXVI of 2013, effective as of 1 January 2014.

¹⁰⁰ Enacted by Subsection (8) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

34. Ordering examinations underlying evaluation

Section 70

(1) An examination underlying evaluation shall be ordered by the president of the general court or the court of appeal, or by the President of the Kúria (*Curia*) (hereinafter referred to collectively in this Chapter as “president of the court”).

(2) A routine examination underlying evaluation shall be ordered by the president of the court ex officio.

(3)¹⁰¹ An ad hoc examination underlying evaluation shall be ordered by the president of the court ex officio, or on the initiative of the head of college of the court of second instance (review court) of competence according to the judge’s place and field of service. In the case of district court judges, the president of the district court may also initiate the examination.

(4) The judge affected shall be notified in writing when the examination underlying evaluation is ordered.

35. Examination procedure

Section 71

(1) The examination underlying evaluation must be completed within sixty days from the date when ordered and the ensuing evaluation shall be carried out within fifteen days from the time of completion.

(2)¹⁰² The examination underlying evaluation shall be conducted by the head of college of competence according to the judge’s place and field of service, or by a judge he/she has nominated.

(3)¹⁰³ The performance of judges assigned to the Kúria (*Curia*) shall be evaluated by the President of the Kúria in accordance with the Act on the Service Relation of the Judiciary and Judicial Staff.

(4)¹⁰⁴ The administrative activities of judges assigned to the OBH shall be evaluated by the President of OBH in accordance with the Act on the Service Relation of the Judiciary and Judicial Staff.

(5) The performance of judges assigned to the Ministry shall be evaluated by the minister in charge of the judicial system on the basis of the rules applicable to government officials.

(6)¹⁰⁵ The performance of administrative law judges assigned to the relevant body shall be evaluated by the head of the body of assignment on the basis of the rules applicable to the staff of the body of assignment.

Section 72

(1)¹⁰⁶ The examiner shall interview the president of district court relating to the evaluation of a district court judge.

(2) The head of college of competence according to the judge’s place and field of service, or the judge he/she has nominated shall select cases for the examination and shall obtain, for the evaluation:

- a) the presiding judge’s notes on the judge’s cases heard during the period examined;
- b) the judges annual activity report;
- c) the opinion of the head of college of the court of second instance (review court) of competence for the judge’s particular discipline, with the exception of Kúria judges;
- d) information as to the judge’s participation in compulsory trainings; and

¹⁰¹ Amended by Paragraph a) of Subsection (1) of Section 147 of Act CXXVII of 2019.

¹⁰² Amended by Paragraph b) of Subsection (1) of Section 147 of Act CXXVII of 2019.

¹⁰³ Established by Subsection (9) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁰⁴ Established by Subsection (9) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁰⁵ Enacted by Section 110 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁰⁶ Amended by Paragraph c) of Subsection (1) of Section 147 of Act CXXVII of 2019.

e) other documents, opinions and data provided for in regulations adopted by the President of OBH.

(2a)¹⁰⁷ If the examination is conducted by the head of college, specifically the head of college referred to in Paragraph c) of Subsection (2), the opinion referred to in Paragraph c) of Subsection (2) shall be annexed to the examination documents.

(3)¹⁰⁸ The head of college of competence according to the judge's place and field of service or the judge he/she has nominated shall send to the initiator of the examination, and to the head of college of the appellate court (review court) of competence according to the judge's place of service, excluding Kúria judges, or the head of college of the court of appeal in the case of district court judges, the examination report in advance, together with the draft of the evaluation.

Section 73

The President of OBH shall lay down the procedures for selecting the cases to be used as the basis for the evaluation as well as the detailed rules of the examination by decree.

36. Evaluation

Section 74

(1) The president of the court shall evaluate the overall performance of the judge based on the examination materials and the documents and assessment obtained.

(2) All of the findings of the evaluation must be supported by sufficient evidence.

Section 75¹⁰⁹

The judge affected shall be given a copy of the written evaluation at least fifteen days before the results of the evaluation are presented. The presentation shall be attended by the president judge who ordered the evaluation or his/her deputy, the judge inspected, the judge conducting the inspection, the head of the competent college, and the president judge of the court in which the judge works. The inspected judge may present his/her views verbally or in writing at the latest before the evaluation is presented.

Section 76

(1) As a result of the evaluation, a judge may be rated:

a) outstanding, recommended for higher judicial office;

b) excellent;

c) competent;

d)¹¹⁰

e) unfit.

(2)¹¹¹ The president of the court shall give the reasons for the conclusions of the evaluation in writing and shall send it to the judge affected, and to the head of college of the appellate court (review court) of competence according to the judge's place of service, excluding Kúria judges, or the head of college of the court of appeal in the case of district court judges.

Section 77¹¹²

If a judge hearing a case under the relevant chapter of Act XIX of 1998 on Criminal Procedure pertaining to high profile cases, or Act III of 1952 on the Code of Civil Procedure pertaining to

¹⁰⁷ Enacted by Subsection (5) of Section 79 of Act LXXXVI of 2012, effective as of 1 July 2012.

¹⁰⁸ Established by Section 111 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁰⁹ Established by Section 112 of Act CXXVII of 2019, effective as of 1 April 2020.

¹¹⁰ Repealed by Subsection (2) of Section 29 of Act CXI of 2012, effective as of 17 July 2012.

¹¹¹ Established by Section 113 of Act CXXVII of 2019, effective as of 1 April 2020.

¹¹² Established by Subsection (3) of Section 5 of Act CXXII of 2018, effective as of 1 January 2019.

high profile actions fails to meet any statutory time limit prescribed for such cases for reasons within his/her control, such circumstance shall be taken into consideration for the purposes of evaluation and the judge may not be rated higher than “competent” in consequence.

Section 78¹¹³

37. Remedy against the conclusions of the evaluation

Section 79¹¹⁴

Apart from the case under Section 81, if the judge affected, or the head of college of the appellate court (review court) of competence according to the judge’s place of service, or the head of college of the court of appeal in the case of district court judges is in disagreement with the conclusions of the evaluation or with the reasons given in writing, they may seek remedy before the court of judges of the first instance within thirty days of the time of receipt of the results of the evaluation.

Section 80¹¹⁵

The court of judges of first instance shall hear and determine remedy proceedings launched in connection with evaluation - including the evaluation of court executives - in accordance with the provisions on disciplinary proceedings, subject to the derogations provided for in Sections 84 and 85. The reasoned decision given on the appeal may be contested, and the appellate procedure shall be conducted pursuant to the provisions on disciplinary decisions.

38. Incompetency due to professional reasons

Section 81

(1)¹¹⁶ If the judge is found unfit, the president of the court shall - at the time of communicating the results of the evaluation - call upon the judge to tender his/her resignation from office within thirty days. At the request of the judge evaluated, the president of the court shall grant a personal interview for the judge so as to express his/her views about the evaluation.

(2)¹¹⁷ In the event that the judge fails to comply, the president of the court shall notify the court of judges of first instance without delay. Subject to the derogations provided for in Section 84, the court of judges shall conduct incompetency proceedings in accordance with the provisions on disciplinary proceedings, so as to decide concerning the judge’s competence in priority proceedings.

Section 82

A decision on disqualification may be appealed, and the appellate procedure shall be conducted pursuant to the provisions on disciplinary decisions.

Section 83

During the period between the time of delivery of the evaluation declaring the judge unfit and the date of the final decision of the court of judges, the judge affected may not engage in any activity that falls within exclusive judiciary competence.

¹¹³ Repealed by Subsection (2) of Section 29 of Act CXI of 2012, effective as of 17 July 2012.

¹¹⁴ Established by Section 114 of Act CXXVII of 2019, effective as of 1 April 2020.

¹¹⁵ Established by Section 115 of Act CXXVII of 2019, effective as of 1 April 2020.

¹¹⁶ Last sentence enacted by Section 21 of Act CXI of 2012, effective as of 17 July 2012.

¹¹⁷ Established by Section 116 of Act CXXVII of 2019, effective as of 1 April 2020.

39. Actions of the court of judges in case the findings of the evaluation or the decision on disqualification is contested

Section 84

(1)¹¹⁸ Upon receipt of notice from the president of the court, the designated chamber of the court of judges of first instance shall open the incompetency proceedings. After the opening of incompetency proceedings, the designated investigating officer shall carry out the preliminary inquiry.

(2)¹¹⁹ The investigating officer shall investigate the circumstances in order to establish the relevant facts of the case. To this end the investigating officer shall interview the judge affected and the president judge conducting the evaluation, obtain the opinion of the head of college of the appellate court (review court) of competence according to the judge's place of service, or the head of college of the court of appeal in the case of district court judges, and may interview witnesses and inspect the documents of the judge's evaluation. The judges and court employees shall be required to supply all of the information he deems necessary.

(3) If the designated chamber finds the evaluation vague, incomplete, or that it contains contradictory conclusions, or there is reasonable cause to challenge its correctness, the designated chamber shall interview the president judge of the evaluation and the judge affected.

(4) The designated chamber shall bring a reasoned decision:

a)¹²⁰ to declare the judge unfit and shall rule on the grounds for disqualification,

b) to modify the rating given by the evaluation, or

c) in the case of any procedural violation, to dismiss the proceedings against the judge and order a new evaluation of the judge's performance.

(5) The designated chamber, when the decision referred to in Paragraph a) of Subsection (4) becomes final, shall forthwith deliver the decision to the President of OBH to initiate measures for having the judge removed from office.

Section 85¹²¹

(1) The provisions contained in Section 84 shall apply to remedy proceedings launched in connection with the evaluation, subject to the derogations provided for in Subsections (2)-(4) hereof.

(2) The designated chamber of the court of judges of first instance shall open the redress procedure upon receipt of an application for a remedy. After the opening of the redress procedure, the designated investigating officer shall carry out the preliminary inquiry.

(3) In review procedures lodged against the evaluation of judges the designated chamber shall bring a reasoned decision:

a) to modify the rating given by the evaluation,

b) to dismiss the application if the rating given by the evaluating officer is correct, or

c) in the case of any procedural violation, to dismiss the proceedings against the judge and order a new evaluation of the judge's performance.

(4) In review procedures lodged against a decision of dismissal from court executive office on the basis of evaluation the designated chamber shall bring a reasoned decision:

a) to declare the court executive unfit and shall rule on the grounds for dismissal from court executive office,

b) to modify the rating given by the evaluating officer, or

c) in the case of any procedural violation, to dismiss the proceedings against the court executive and order a new evaluation of the court executive's performance.

¹¹⁸ Established by Subsection (1) of Section 117 of Act CXXVII of 2019, effective as of 1 April 2020.

¹¹⁹ Established by Subsection (1) of Section 117 of Act CXXVII of 2019, effective as of 1 April 2020.

¹²⁰ Established by Subsection (2) of Section 117 of Act CXXVII of 2019, effective as of 1 April 2020.

¹²¹ Established by Section 118 of Act CXXVII of 2019, effective as of 1 April 2020.

40. Incompetency due to medical reasons

Section 86

(1)¹²² If a judge is unable to execute his/her office due to health reasons for an extended period of time, the president of the court shall call upon the judge in writing to resign from office within thirty days. The notice shall specify the reasons and shall express the circumstances that serve as the basis for the judge's incompetence due to medical reasons. At the judge's request the reasons that serve as the basis for the judge's incompetence due to medical reasons shall be expressed during the personal interview as well, and the judge shall be given occasion to assert his/her views.

(2) If, upon receipt of the notice referred to in Subsection (1), the judge refuses to resign, the judge shall be required to take a medical examination, and further steps shall be taken accordingly.

(3) If the judge fails to attend the medical examination ordered by the employer for reasons within his/her control, it shall be construed as acknowledgement of the consequences of being declared unfit for office.

Section 87

(1) If a judge is compelled pursuant to Section 86 to resign for health reasons or if the judge is relieved from office for medical reasons, he/she shall be paid nine months' salary if he/she has served as a judge for less than ten years, or thirteen months' salary if he/she has served as a judge for more than ten years.

(2) The payment referred to in Subsection (1) payable to a judge relieved from office for medical reasons shall not be provided if the judge is eligible for pension benefits in his/her own right.

CHAPTER VI**SUSPENSION AND TERMINATION OF THE SERVICE RELATIONSHIP OF JUDGES**

41. Suspension of the service relationship of judges

Section 88

(1) Any judge seeking candidacy in parliamentary or local elections, or in European Parliament elections shall notify the person exercising employer's rights of this intention on or before the day that follows the day when his/her nomination as a candidate is registered with the election authority. The judge's service relationship shall be suspended from the time of notification until the election results are published or, if elected, until his/her mandate is verified. The period of suspension shall be included in the duration of his/her service relationship.

(1a)¹²³ Except as provided in Subsection (3) of Section 96, the service relationship of a judge shall be suspended:

a) if elected by Parliament as a member of the Alkotmánybíróság (*Constitutional Court*), from the time of taking office until his/her Constitutional Court membership ceases,

b) if entered into according to Subsection (4a) of Section 3, from the time of appointment until his/her Constitutional Court membership ceases.

(2) The provisions of Subsections (3) and (4) of Section 58 shall apply to the assignments of judges following the suspension of their service relationship.

(3)¹²⁴ After the suspension of service relationship under Subsection (1a) the judge shall be assigned to the Kúria (*Curia*) by the President of the Kúria.

¹²² Established by Section 23 of Act CXI of 2012, effective as of 17 July 2012.

¹²³ Enacted by Subsection (1) of Section 119 of Act CXXVII of 2019, effective as of 20 December 2019.

¹²⁴ Enacted by Subsection (2) of Section 119 of Act CXXVII of 2019, effective as of 20 December 2019.

42. Termination of the service relationship of judges

Section 89

The service relationship of a judge shall be terminated:

- a) upon death;
- b) in the case provided for in Subsection (1) of Section 25;
- c)¹²⁵ upon dismissal by the President of the Republic.

Section 90

A judge must be relieved from office if:

- a) tendered his/her resignation;
- b) considered permanently unfit for judiciary office due to health reasons, or if declared unfit upon the incompetency proceedings conducted under Section 84;
- c)¹²⁶ sentenced to imprisonment or community service, or placed under custodial arrest by final verdict, or if ordered to receive treatment in a mental institution;
- d) failed to take the oath for judiciary office within the time limit specified in Section 22;
- e) the requirements set out in Paragraphs a) and b) of Subsection (1) of Section 4 for appointment are no longer satisfied;
- f)¹²⁷ elected to Parliament, the European Parliament or to the council or mayor's office of a municipal government or as a spokesman for the nationality, or if elected or appointed a political dignitary, state secretary for public administration or deputy state secretary under Act CXXV of 2018 on Government Administration;
- g) enters into a relationship - with the consent of the President of OBH - with an international organization or an agency of the European Union by way of a public selection process where it involves activities related to the judiciary or other duties related to judicature;
- h)¹²⁸ the judge:
 - ha) reached the statutory retirement age for old-age pension under Article 26(2) of the Fundamental Law,
 - hb) requests permission for retirement before reaching the age stipulated as a reason for dismissal, claiming to have satisfied the conditions set out in Subsection (2) or Subsection (2a) of Section 18 of Act LXXXI of 1997 on Social Security Pension Benefits (hereinafter referred to as "SSPA");
- i) undergoing disciplinary action and the punishment recommended calls for his/her removal from office;
- j)¹²⁹ the outcome of the selection process is contested and according to the findings of the redress procedure the statutory requirements for the appointment of the judge are not satisfied;
- k) deliberately refused to file a compulsory declaration of personal wealth, or if the judge has knowingly disclosed false data or information in the statement or withheld important information, including information pertaining to those of his family members who live in the same household, or if the judge has withdrawn his/her declaration of personal wealth or his authorization for processing his personal data;
- l) he/she fails to discharge the obligation prescribed in Section 38 within fifteen working days of the subsequent request made according to regulations, and if unable to verify that such failure is attributable to reasons beyond his/her control;
- m) he/she fails to attend the medical examination ordered by the employer under Subsection (3) of Section 86;
- n) appointed to the office of rector of a state institution of higher education or the head of a research center or research institute functioning as a budgetary agency;

¹²⁵ Established by Subsection (1) of Section 24 of Act CXI of 2012, effective as of 17 July 2012.

¹²⁶ Amended by Paragraph f) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

¹²⁷ Amended by Paragraph c) of Subsection (32) of Section 158 of Act XXXVI of 2012, Paragraph d) of Subsection (1) of Section 146 of Act CXXVII of 2019.

¹²⁸ Established by Subsection (1) of Section 19 of Act XX of 2013, effective as of 2 April 2013.

¹²⁹ Established by Subsection (2) of Section 24 of Act CXI of 2012, effective as of 17 July 2012.

- o) the judge has terminated his/her service relationship unlawfully;
p)¹³⁰ if a binding decision of conflict of interest has been adopted.

Section 91¹³¹

The statutory retirement age for old-age pension provided for in Article 26(2) of the Fundamental Law shall be the retirement age of entitlement provided for in the SSPA for old-age pension benefits, but at least sixty-five years of age.

Section 92

Unlawful termination of service relationship means when a judge has failed to provide a notice period or has - unilaterally - terminated his/her service relationship before the end of the applicable discharge period.

Section 93

- (1) A judge may resign from his/her office in writing at any time.
(2)¹³² The period of notice on the resignation of judges shall be three months. At the judge's request, the OBT may reduce the period of notice on resignation and excuse the judge from work duty for all or part of the notice period.
(3)¹³³ The judge shall be entitled to his/her average salary for the period of being excused from work duty.

Section 94

- (1)¹³⁴ Resignation may be tendered by reference to claiming to have satisfied the conditions set out in Subsection (2) or (2a) of Section 18 of the SSPA, if the conditions are in fact met on the last day of the notice period.
(2) With the exceptions set out in Subsection (3), the discharge period of a judge shall be one month, for which the judge shall be excused from work duty.
(3)¹³⁵ In the case of retirement or upon reaching the age stipulated as a reason for dismissal, the discharge period of a judge shall be six months. The judge shall be exempted from work duty for three months. At the judge's request, the OBT may set the period of exemption from work duty in less than three months, or - at the judge's request - may decide not to excuse the judge from work duty.
(4) Judges excused from work duty shall not participate in judicature, shall not function as a court executive if holding an executive office, and shall not exercise the voting rights and regulatory powers stemming from his/her judgeship.
(5)¹³⁶ The judge shall be entitled to his/her average salary for the period of being excused from work duty.

Section 95

After retirement, judges shall be entitled to use the designation "retired" before the office or executive title they held directly before retirement.

¹³⁰ Enacted by Subsection (2) of Section 19 of Act XX of 2013, effective as of 2 April 2013.

¹³¹ Enacted by Section 20 of Act XX of 2013, effective as of 2 April 2013.

¹³² Amended by Paragraph d) of Section 28 of Act CXI of 2012.

¹³³ Enacted by Subsection (6) of Section 79 of Act LXXXVI of 2012, effective as of 1 July 2012.

¹³⁴ Amended by Paragraph a) of Subsection (4) of Section 77 of Act CCXI of 2012.

¹³⁵ Established by Section 21 of Act XX of 2013, effective as of 2 April 2013.

¹³⁶ Enacted by Subsection (7) of Section 79 of Act LXXXVI of 2012, effective as of 1 July 2012.

Section 96

(1)¹³⁷ Where the conditions set out in Sections 90 and 91 apply, the motion for dismissal of the judge shall be presented to the President of the Republic by the President of OBH on a recommendation by the president of the court, or upon being so advised by the general court acting as labor court or the court of judges. The motion shall specify the grounds for dismissal and the effective time of termination.

(2)¹³⁸ If a judge is discharged because he/she has reached the age stipulated as a reason for dismissal, the above-specified notice shall be submitted in time to allow for the discharge period to expire before reaching such age limit.

(3)¹³⁹ If the service relationship of a judge is suspended according to Subsection (1a) of Section 88, and during that time the judge reaches the statutory retirement age for old-age pension under Article 26(2) of the Fundamental Law, a recommendation for relieving the judge from office shall be made by the President of the Constitutional Court to the President of the Republic, of which the President of OBH shall be informed at the same time. The motion shall specify the grounds for dismissal and the effective time of termination.

Section 97

(1) When the service relationship of a judge advocate is terminated, the President of OBH shall submit the motion for dismissal - jointly with the minister in charge of defense - to the President of the Republic.

(2) The service relationship of a judge advocate with the Hungarian Armed Forces may only be terminated - other than by resignation - if the judge advocate's military judgeship is also terminated.

(3) If a judge advocate requests a transfer to another judge's office when his/her service relationship with the Hungarian Armed Forces is terminated, in the motion submitted to the President of the Republic the President of OBH shall present a proposal for the discharge of the judge advocate and for his/her appointment into judicial office, while retaining his/her judge's status. In this case, the judge shall be transferred to a general court or higher, with the proviso that he/she shall retain his/her previous court executive title if assigned to the general court where his/her former office was located; derogations may be made from this provision subject to the judge's consent. If the judge advocate does not request a transfer to another judicial post, the President of OBH shall submit a motion to the President of the Republic for the dismissal of the judge advocate.

Section 98

Termination of the judge's service relationship shall be declared in the discharge document.

CHAPTER VII

EMPLOYER'S POWERS

43. Person exercising employer's rights and certain entitlements

*Section 99*¹⁴⁰

(1) Unless this Act contains provisions to the contrary, employer's rights in respect of judges shall be exercised:

a) by the President of OBH concerning the executives who fall within his appointment authority,

b) by the President of the Kúria (*Curia*) in the case of Kúria judges,

¹³⁷ Established by Subsection (1) of Section 120 of Act CXXVII of 2019, effective as of 1 April 2020.

¹³⁸ Established by Section 22 of Act XX of 2013, effective as of 2 April 2013.

¹³⁹ Enacted by Subsection (2) of Section 120 of Act CXXVII of 2019, effective as of 20 December 2019.

¹⁴⁰ Established by Section 121 of Act CXXVII of 2019, effective as of 1 April 2020.

- c) by the president of court of appeal in the case of judges of the court of appeal,
 d) by the president of general court in the case of general court and district court judges.
 (2) Unless otherwise specified by law, employer's rights may be assigned in writing:
 a) by the President of OBH to his or her judge deputy,
 b) by the president of general court to the president of district court where it concerns district court judges, with the exception of the right to order the evaluation of a judge.

Section 100

- (1) The person exercising employer's rights may request a judge, indicating also the legal ramifications of non-compliance, during his/her term in office to produce official documentary evidence in writing to verify that he/she is not subject to any of the disqualifying factors under Paragraphs a)-f) of Subsection (2) of Section 4.
 (2)¹⁴¹ If upon the request referred to in Subsection (1) above the judge verifies that he/she is not subject to any of the disqualifying factors under Paragraphs a)-f) of Subsection (2) of Section 4, the person exercising employer's rights shall reimburse the administrative service fee he/she has paid for the procedure to obtain the certificate of clean criminal record for the purpose of verification.
 (3)¹⁴² For the purpose of determining as to whether either of the disqualifying factors under Paragraphs a)-f) of Subsection (2) of Section 4 apply, the person exercising employer's rights shall be entitled to process the personal data of the applicant for a judge's post and the judge contained in the certificate of clean criminal record made out by the body operating the penal register for this purpose.
 (4) The person exercising employer's rights shall be authorized to process the personal data obtained in accordance with Paragraph b) of Subsection (1) of Section 12 and Section 38 until the time the decision in connection with entering into judiciary service is adopted, or - if judiciary office is granted or already exists - until the service relationship of the judge is terminated.

CHAPTER VIII

LIABILITY OF JUDGES FOR PROFESSIONAL CONDUCT

44. Court of judges

Section 101¹⁴³

Disciplinary cases of judges and the cases related to compensation and to any violation of rights relating to personality, objections lodged in connection with applications submitted for judges positions, redress procedures opened in connection with the evaluation of judges' performance in terms of judicature and management, incompetency proceedings, and conflict of interest procedures provided for in Subsections (6)-(8) of Section 42 shall be heard in the first instance by the court of judges located in the territory of Budapest (hereinafter referred to as "court of judges of first instance"), and by the court of judges attached to the Kúria (*Curia*) in the second instance (hereinafter referred to as "court of judges of second instance") (hereinafter referred to collectively as "court of judges").

Section 102

- (1)¹⁴⁴ The president and members of the court of judges shall be appointed by the OBT from judges posted in the area of jurisdiction of the Kúria (*Curia*), courts of appeal and general courts. The deputy of the president of the court of judges shall be appointed by the president of the given court of judges.

¹⁴¹ Amended by Paragraph h) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

¹⁴² Amended by Paragraph h) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

¹⁴³ Established by Section 122 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁴⁴ Established by Subsection (10) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

- (2) Members of the court of judges shall be nominated by the plenary meeting of the Kúria, and/or the plenary session of judges of the courts of appeal and general courts.
- (3) Judges delegated to the court of judges shall discharge their duties in addition to their regular functions in judicature and management.
- (4) Members of the court of judges shall be entitled to salary consistent with the work they perform in this service. The detailed rules relating to such salary shall be decreed by the President of OBH.

Section 103

- (1) The staff of the court of judges of the first instance shall be maximum seventy-five persons, and the staff of the court of judges of the second instance shall not exceed fifteen persons.
- (2) The following may not be appointed to serve as a judge in the court of judges:
 - a) members of the OBT;
 - b) alternate members of the OBT;
 - c) president judges vested with authority to initiate disciplinary proceedings, including their deputies;
 - d) any person who cannot participate in judicature stemming from his/her position, or whose status as a judge has been suspended; or
 - e) family members of the President of OBH or his/her deputy, or of the president of a court of appeal or general court, or their deputies.
- (3)¹⁴⁵ The mandate of the judges of the court of judges shall be for a term of nine years from the time of appointment.
- (4) The deputy of the president of the court of judges shall have full authority to represent him/her in the event that the latter is unable to attend to his/her duties.

Section 104

- (1)¹⁴⁶ Any person who is subject to disciplinary or - with the exception of proceedings instituted by private prosecution or substitute private prosecution - criminal proceedings, may not engage in judicature on the court of judges.
- (2) The mandate of the judge of the court of judges shall cease:
 - a) when his/her service relationship as a judge is terminated;
 - b) by resignation from the office of judiciary in the court of judges;
 - c) if condemned in a disciplinary or criminal proceeding;
 - d) if the conflict of interest governed under Subsection (2) of Section 103 occurs during his/her term in office; or
 - e) if expelled from the ranks of the court of judges - by secret ballot supported by at least two-thirds of the judges of the court of judges - for any breach of the obligations stemming from his/her post held in the court of judges, or for any prolonged infringement or negligence.

Section 104/A¹⁴⁷

- (1) The rules of procedure of the court of judges shall comprise the composition of the competent chambers and the rules of case allocation.
- (2) The rules of procedure adopted by the court of judges shall be approved by the OBT.
- (3)¹⁴⁸ The OBT shall publish the rules of procedure of the court of judges on the central website.

¹⁴⁵ Amended by Paragraph e) of Subsection (1) of Section 146 of Act CXXVII of 2019.

¹⁴⁶ Established by Subsection (4) of Section 5 of Act CXXII of 2018, effective as of 1 January 2019.

¹⁴⁷ Enacted by Section 25 of Act CXI of 2012, effective as of 17 July 2012.

¹⁴⁸ Amended by Paragraph a) of Section 18 of Act CXXXI of 2013.

Section 104/B¹⁴⁹

- (1) The court of judges shall report to the OBT on a yearly basis as to whether it operated in compliance with the rules of procedure in the previous year. The report shall specify the number of cases brought before the court of judges in the previous year, indicating also the number of cases concluded and the number still pending, the punishments imposed and the number and nature of complaints submitted to the court of judges.
- (2) The OBT shall discuss and approve the yearly report received from the court of judges during the first quarter each year.
- (3) Once approved, the OBT shall post the report on the intranet.

45. Professional misconduct

Section 105

Professional misconduct shall mean when:

- a) a judge violates the obligations stemming from his service relationship, or
- b) the judge's lifestyle and/or behavior are likely to harm or jeopardize the prestige of the legal system.

46. Initiating disciplinary proceedings

Section 106

- (1) In the event of any allegation of professional misconduct by a court executive, the entity of appointment authority shall initiate the opening of disciplinary proceedings by way of a motion submitted to the president of the court of judges of the first instance.
- (2) In the event of any allegation of professional misconduct by a judge other than a court executive, the motion for initiating the opening of disciplinary proceedings shall be submitted to the president of the court of judges of the first instance:
 - a) by the President of the Kúria (*Curia*) in the case of Kúria judges,
 - b) by the president of the court of appeal in the case of judges of the court of appeal,
 - c)¹⁵⁰ by the president of general court in the case of general court and district court judges.
- (3)¹⁵¹ The President of OBH shall have authority to initiate disciplinary proceeding only against court executives he/she has appointed and against judges assigned to the OBH.
- (4)¹⁵² If a judge has been indicted in criminal proceedings, except in the case of private prosecution or substitute private prosecution, disciplinary proceedings must be opened.
- (5)¹⁵³ If a judge has been indicted in criminal proceedings for an intentional criminal offense, except in the case of private prosecution or substitute private prosecution, the president initiating disciplinary proceedings may also ban the judge in question from hearing cases, including cases tried in open court and judicial council meetings until the proceedings against him/her are in progress pending dismissal or until acquitted by final ruling.

Section 107

If a judge is undergoing disciplinary proceedings and is indicted in criminal proceedings at the same time, the disciplinary proceedings shall be suspended.

¹⁴⁹ Enacted by Subsection (11) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁵⁰ Amended by Paragraph f) of Subsection (1) of Section 146 of Act CXXVII of 2019.

¹⁵¹ Established by Section 26 of Act CXI of 2012, effective as of 17 July 2012.

¹⁵² Enacted by Section 26 of Act CXI of 2012. Amended by Paragraph c) of Section 6 of Act CXXII of 2018.

¹⁵³ Enacted by Subsection (12) of Section 12 of Act CCXLIII of 2013. Amended by Paragraph c) of Section 6 of Act CXXII of 2018.

Section 108

(1) If a judge commits a lesser offense and the misconduct in question did not result in detrimental consequences or resulted in moderate damage, disciplinary proceedings may be omitted.

(2) If Subsection (1) applies, the entity entitled to initiate disciplinary proceedings shall issue a warning to the judge instead of initiating disciplinary proceedings. The decision shall be communicated in writing, and the judge affected shall have fifteen days to contest it and request disciplinary proceedings. If the judge requests disciplinary proceedings, the entity entitled to initiate disciplinary proceedings shall immediately notify the president of the court of judges of the first instance, in which case disciplinary proceedings may not be refused.

Section 109

The entity that initiated the proceedings shall immediately notify the judge affected when disciplinary proceedings are initiated. If disciplinary proceedings are requested by an entity other than the President of OBH, the President of OBH shall also be notified.

Section 110

(1) Disciplinary proceedings may not be initiated more than three months after the day on which the entity entitled to initiate such proceedings is informed or more than three years after the day on which the professional misconduct took place.

(2)¹⁵⁴ If a judge is charged in criminal or misdemeanor proceedings for professional misconduct, disciplinary action may not be initiated:

a) after three months in misdemeanor proceedings from the date when the final decision establishing guilt or to end the proceedings, in criminal proceedings from the date when final peremptory decision or definitive decision terminating the proceedings, or the decision of the investigating authority that is not subject to further remedy was notified to the employer, or

b) after one year from the date when the decision referred to in Paragraph a) was adopted, if the proceedings were concluded past the three-year limit mentioned in Subsection (1).

47. Provisions on the opening of disciplinary proceedings and on the acting chamber

Section 111

The designated disciplinary board of the court of judges shall decide whether to initiate disciplinary proceedings, refuse to hold disciplinary proceedings, or order a preliminary hearing. The disciplinary board shall notify the judge affected of its decision.

Section 112

(1) The cases referred to in Section 101 shall be heard in the first instance by the court of judges of the first instance.

(2) Appeals submitted against the decision of the court of judges of the first instance shall be decided by the court of judges of the second instance.

Section 113

(1) The court of judges shall proceed in a three-member chamber (hereinafter referred to as "chamber of the court of judges") formed by the president of the court of judges.

(2) Preparations for disciplinary proceedings and the preliminary hearing shall be carried out by an investigating officer. A judge of a lower court relative to the post of the judge affected may not participate as an investigating officer.

¹⁵⁴ Established by Subsection (5) of Section 5 of Act CXXII of 2018, effective as of 1 January 2019.

(3) The president of the court of judges shall prepare a roster at the end of the year for the next calendar year laying down the sequence in which the judges of the court of judges are to function as investigating officers.

Section 114

The following may not serve in the capacity of a judge in the court of judges:

- a) any person whose appearance as a witness might become necessary in the proceedings;
- b) the investigating officer of the case;
- c) any family member of the judge who is the subject of the proceedings;
- d)¹⁵⁵ any person who took part in the decision-making process relating to a motion for disqualification;
- e)¹⁵⁶ any person from whom an unbiased evaluation of the case cannot be expected for any other reason.

Section 115

(1) If there are any circumstances casting any doubt as to the impartiality of the investigating officer, the president or any member of the chamber of the court of judges, and the judge who is the subject of the disciplinary proceedings may file a motion of recusation.

(2) Cases of bias shall be heard by another chamber delegated by the president of the court of judges.

(3) If the motion is lodged against the president of the court of judges of the first instance, it shall be decided by the chamber of the court of judges of the second instance. If the motion is submitted against the president of the court of judges of the second instance, it shall be decided by the President of the Kúria (*Curia*).

Section 116

(1) If the president of the court of judges of the first instance is disqualified, the chamber of the first instance shall be delegated by the president of the court of judges of the second instance.

(2) If the president of the court of judges of the second instance is disqualified, the acting chamber shall be delegated by the President of the Kúria (*Curia*).

(3) Any person who participated in the first instance of disciplinary proceedings may not participate in the second instance.

48. Suspension of a judge from office

Section 117¹⁵⁷

(1)¹⁵⁸ A chamber of the court of judges of first instance shall suspend a judge from office:

a) if the judge has been arrested or placed under involuntary treatment in a mental institution, or under criminal supervision where the defendant is not permitted, by order of the court, to leave a specific area or home, other premises, institution or adjoining enclosed area or similar defined areas without authorization,

b) if the public prosecutor's office brought charges against the judge, and/or

c) if the judge's presence at his/her post would prevent ascertaining the relevant facts of the case.

(2)¹⁵⁹ The chamber of the court of judges of first instance may suspend a judge from office upon the initiative of the president who requested the opening of disciplinary proceedings if the judge has been indicted in criminal proceedings, except in the case of private prosecution or substitute private prosecution, and if the judge's presence at his/her post would prevent

¹⁵⁵ Established by Subsection (13) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁵⁶ Enacted by Subsection (13) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁵⁷ Established by Subsection (14) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁵⁸ Established by Subsection (6) of Section 5 of Act CXXII of 2018, effective as of 1 January 2019.

¹⁵⁹ Established by Subsection (6) of Section 5 of Act CXXII of 2018, effective as of 1 January 2019.

ascertaining the relevant facts of the case or if deemed justified based on the severity and nature of the breach of obligation.

(3) The court of judges may bring the decisions referred to in Subsections (1) and (2) also after the disciplinary proceedings are suspended.

(4) The judge affected and the body that initiated the proceeding may contest the decision of suspension within eight days from the date on which the decision is delivered by lodging an appeal with the court of judges of the second instance; implementation of the decision, however, shall not be suspended on account of the appeal. The court of judges of the second instance shall adopt a decision within eight days.

Section 118

(1) When suspended, a judge shall be entitled to his/her salary for the period of suspension; however, up to fifty per cent of his/her salary may be withheld for one month. All salary must be withheld from the date on which the disciplinary decision for dismissal is delivered until it becomes final and enforceable. The decision on withholding lies within the competence of the chamber of the court of judges, and it may not be appealed.

(2) No salary shall be due for any part of the suspension of a judge for which salary is not paid under any circumstances.

(3) Withheld salary shall be paid out after the disciplinary decision becomes final, unless the disciplinary decision adopted in conclusion of the disciplinary proceedings is for the dismissal of the judge from office. The same procedure applies if the judge's service relationship has terminated in the meantime due to his dismissal.

(4)¹⁶⁰ The judge shall be required to repay 50 per cent of the salary paid out for the period of suspension after the disciplinary decision becomes final, if the disciplinary decision adopted in conclusion of the disciplinary proceedings is for the dismissal of the judge from office.

49. Disciplinary proceedings

Section 119

Disciplinary proceedings and preliminary hearings shall not be open to the public.

Section 120

(1) The investigating officer shall investigate the circumstances with a view to ascertaining the relevant facts of the case. This may include interviewing the judge who is the subject of the proceedings and, if necessary, the witnesses, the use of experts, and the gathering of other evidence. The investigating officer shall have access to court documents, and the judges and court employees shall be required to supply all of the information he deems necessary.

(2)¹⁶¹ The investigating officer shall prepare a written report on the proceedings for the chamber of the court of judges within thirty days of its conclusion.

Section 121

(1) Following receipt of the investigating officer's report, the chamber of the court of judges shall decide within fifteen days whether or not to initiate disciplinary proceedings or suspend them.

(2) Any judge who is the subject of disciplinary proceedings may be represented by another judge or an attorney at law.

(3) The judge who is subject to the proceedings and his representative as well as the initiator of the disciplinary proceedings and the investigating officer must be summoned to the hearing. If disciplinary proceedings are requested by an entity other than the President of OBH, the

¹⁶⁰ Enacted by Subsection (15) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁶¹ Amended by Paragraph i) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

President of OBH shall be notified of the date of the hearing. The investigating officer's report shall be delivered together with the summons or the notice.

(4) If the judge who is subject to the proceedings fails to appear at the hearing, despite being properly summoned, the hearing may proceed in his/her absence if he/she fails to provide a substantial excuse.

Section 122

(1) The chamber of the court of judges may conduct evidentiary procedure in the hearing.

(2) In the hearing, the judge who is subject to the proceedings and his representative as well as the body initiating the proceedings may ask questions; the President of OBH - if he/she has been notified and is present - may request questions to be asked.

(3) Before the decision is announced, the body initiating the proceedings may present their views, after which the judge who is subject to the proceedings and his representative may do so as well.

(4)¹⁶² The initiator of the proceedings - if prevented from attending - shall be represented in the hearing by the vice-president, and the President of OBH shall be represented by the vice-president of OBH or a judge he/she has nominated.

Section 123

(1) The chamber of the court of judges shall adopt a decision in conclusion of the disciplinary proceedings in which they either:

- a) remove the judge from office;
- b) find the judge guilty and impose a disciplinary penalty;
- c) dismiss the case against the judge.

(2) If a judge commits a lesser offense and the misconduct in question did not result in detrimental consequences or resulted in moderate damage, disciplinary proceedings may be omitted by means of a reasoned decision adopted by the chamber of the court of judges, and the chamber may dismiss the case against the judge after issuing a warning.

(3) If the judge is found guilty in criminal court in connection with an act that has been added to the charges tried in the disciplinary proceedings, the chamber of the court of judges may not dismiss the charges brought against the judge for the same act.

(4) Disciplinary proceedings shall be terminated in accordance with Paragraph c) of Subsection (1) if the respondent dies, if there should arise any reason to preclude the disciplinary proceedings, or if the judge's service relationship is terminated in the meantime. In the latter case, the chamber of the court of judges may find the respondent guilty of professional misconduct, but it may not impose a disciplinary penalty.

Section 124

(1) The following disciplinary measures may be imposed against a judge for professional misconduct:

- a) reprimand;
- b) censure;
- c) downgrading by one pay grade;
- d)¹⁶³ downgrading by two pay grades;
- e)¹⁶⁴ discharge from executive office;
- f)¹⁶⁵ motion for dismissal from judge's office.

(2) The disciplinary measure imposed shall be consistent with the gravity and consequences of the misconduct, and the degree of culpability.

¹⁶² Amended by Paragraph j) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

¹⁶³ Established by Subsection (16) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁶⁴ Established by Subsection (16) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁶⁵ Enacted by Subsection (16) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

(2a)¹⁶⁶ Having regard to the gravity and consequences of the misconduct and to the degree of culpability, the chamber of the court of judges may rule to exclude the possibility of exoneration from the legal consequences of the disciplinary measure under Subsection (1) of Section 127.

(3) In connection with a motion for a judge's dismissal from office, his/her suspension shall be extended or it shall be ordered. If another disciplinary measure is imposed, the suspension shall be terminated in the disciplinary decision.

(4) The costs of disciplinary proceedings shall be borne by the court; if, however, a judge is found guilty by final decision, the judge shall be charged for the costs of any action he/she has requested and of the representative whose services he/she has retained.

50. Disciplinary proceedings of the second instance

Section 125

(1) A copy of the disciplinary decision shall be served within eight days from the day on which it is delivered to the judge and the initiator of the disciplinary proceedings. A copy of the decision shall be served to the President of OBH even if the disciplinary proceedings had not been initiated by the President of OBH.

(2) The decision of the first instance may be appealed by the judge and the initiator of the disciplinary proceedings within fifteen days from the day on which it is served. The appeal shall be submitted to the chamber of the court of judges of the first instance.

(3)¹⁶⁷ The court of judges of the second instance shall sustain or overrule the disciplinary decision of the first instance (including any compensation, legal effects on any violation of rights relating to personality, and the bearing of costs, where applicable), dismiss the case, or annul the decision in the event of any severe procedural violation that cannot be remedied in the appellate proceedings, and it shall order the court of judges of the first instance to reopen the case and to adopt a new ruling.

(4) The appellate proceedings and the decision shall be subject to the provision governing proceedings of the first instance.

Section 126

(1) The disciplinary penalty imposed on a judge by final decision shall remain in effect:

- a) for one year in the case of censure,
- b) for two years in the case of downgrading by one pay grade or removal from executive office,
- c) for three years in the case of dismissal from judge's office.

(2) A judge under the effect of a disciplinary penalty:

- a) may not be promoted to a higher position,
- b) may not be appointed to an executive office,
- c) may not be transferred to a higher pay grade,
- d) may not be granted a title corresponding to a higher judicial office.

(3) A disciplinary penalty calling for removal from executive office shall be enforced by the entity having appointing authority.

Section 127

(1) A judge under the effect of a disciplinary penalty may, at his/her request, be exonerated from the legal consequences by the court of judges of the first instance once half of the period referred to in Subsection (1) of Section 126 has passed, provided that the judge in question has not been implicated in other disciplinary proceedings.

(2) The date for advancement to a higher pay grade shall be determined on the basis of the original date after being exonerated or exempted from the legal consequences of the disciplinary penalty - not counting the period referred to in Subsection (1) of Section 126.

¹⁶⁶ Enacted by Subsection (17) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁶⁷ Established by Subsection (3) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

Section 128

If a judge has been sanctioned by a disciplinary penalty, it shall be indicated in his/her personal records on file.

51. Motion for new procedure

Section 129

(1) After the final decision has been made, the judge who is subject to the proceedings, his representative, or the entity entitled to initiate disciplinary proceedings may motion for new proceedings if they refer to a fact, evidence or a final decision that had not been considered in the disciplinary proceedings, provided that, were it to be considered, it would have a substantial impact on the disciplinary decision.

(2) The motion for new proceedings shall be submitted at the court of judges of the first instance, and it shall be conducted according to the rules applicable to the first proceedings.

(3)¹⁶⁸ A motion for new proceedings may be filed within three years after the final decision was adopted.

52. Specific provisions relating to judges assigned to the Kúria, the OBH, the Ministry and to the relevant body¹⁶⁹*Section 130¹⁷⁰*

As regards the judges assigned to the Kúria (*Curia*), the OBH, the Ministry and to the relevant body Sections 105-129 shall apply with the derogation that disciplinary proceedings may be opened upon the initiative of the President of the Kúria, the minister in charge of the judicial system, the head of the relevant body through the President of OBH, or the President of OBH against judges assigned to the Kúria, the Ministry, the relevant body and the OBH, respectively.

CHAPTER IX**LIABILITY FOR DAMAGES**53. Liability of judges for damages and payment of restitution¹⁷¹*Section 131¹⁷²*

(1) Judges shall be subject to financial liability for any damages caused to the employer by their willful or grossly negligent conduct or breach of the obligations stemming from their service relationship, and shall be subject to liability for the payment of restitution for any violation of rights relating to personality when so demanded by the employer.

(2) The burden of proof concerning the liability of a judge and the occurrence and extent of damage, and the violation of rights relating to personality shall lie with the employer.

Section 132¹⁷³

A judge shall be liable, and/or may be ordered to pay restitution for up to three months' salary if the damage or the violation of rights relating to personality results from his/her grossly negligent conduct. In case of willful negligence or violation of rights relating to personality the

¹⁶⁸ Established by Subsection (18) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

¹⁶⁹ Established by Section 123 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁷⁰ Established by Section 124 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁷¹ Established by Subsection (4) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

¹⁷² Established by Subsection (5) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

¹⁷³ Established by Subsection (5) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

judge shall be subject to full liability for the payment of compensation or restitution, irrespective of his/her salary.

Section 133

(1) A judge shall be subject to full liability, irrespective of accountability, concerning the loss of objects that are received with a list or receipt attached under the obligation to be returned or accounted for and are permanently safeguarded and exclusively used or handled by the judge.

(2) The judge shall be relieved of liability if able to prove that the loss was caused by an unavoidable reason beyond his/her control or that the employer failed to provide the conditions for safeguarding of which the judge had previously notified the employer.

(3) The employer shall be required to prove the presence of the conditions specified in Subsection (1) as well as the occurrence and extent of the damage.

(4) If an object being safeguarded is physically damaged, the judge's liability shall be determined in accordance with the provisions on liability for negligence; however, in this case the judge shall be required to prove his/her innocence.

Section 134¹⁷⁴

(1) Liability for damages and claims arising in connection with any violation of rights relating to personality resulting from the professional misconduct of a judge shall be adjudged in a disciplinary proceeding.

(2) The judge's liability for damages, or for the payment of any restitution resulting from reasons other than professional misconduct shall be determined - by means of a reasoned decision - by the person exercising employer's rights within sixty days of the day on which it learns of the damage. The provisions governing disciplinary proceedings shall also apply to procedures concerning liability for damages or for payment of restitutions. The judge may challenge the employer's decision by lodging an appeal in court within fifteen days.

Section 134/A¹⁷⁵

Apart from restitution, other legal effects relating to any violation of rights relating to personality shall be governed by the relevant provisions of the Civil Code.

54. Liability of the employer for damages and payment of restitution¹⁷⁶

Section 135¹⁷⁷

(1) The employer shall be fully liable for damages caused to a judge in connection with his/her service relationship regardless of accountability, and shall be liable to pay restitution for any violation of rights relating to personality in connection with his/her service relationship.

(2) The employer shall be relieved from liability if able to prove that the damage, or the violation of rights relating to personality was caused by an unavoidable event outside its field of operations or solely by the unavoidable conduct of the aggrieved party or the person whose rights relating to personality had been violated.

(3) There shall be no liability for the portion of damage caused by the negligence of the aggrieved party.

(4) The judge shall be required to prove that the damage, or the violation of rights relating to personality has occurred in connection with his/her service relationship.

¹⁷⁴ Established by Subsection (6) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

¹⁷⁵ Enacted by Subsection (6) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

¹⁷⁶ Established by Subsection (7) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

¹⁷⁷ Established by Subsection (8) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

Section 136

- (1) The employer shall be subject to liability as provided for in Section 135 for any damage to the objects and things the judge brings to the workplace.
- (2) The employer may require things brought to the workplace to be deposited in a designated place or to have them reported. The employer may prohibit, restrict or impose certain conditions on bringing things that are not required for commuting to work or for the performance of work. If the judge violates these regulations, the employer shall only be liable for damage caused willfully.

Section 137

- (1)¹⁷⁸ Based on the liability under Section 135 or on the obligation to pay restitution, or under the liability provided for in Section 136, the employer shall reimburse the judge for loss of income and for any depreciation in value of the judge's property, and to cover the costs incurred in connection with the prevention of financial losses, and shall pay restitution.
- (2) For the purposes of determining the judge's loss of income from his/her service relationship, the lost salary and the cash value of the regular benefits to which the judge is entitled by virtue of his/her service relationship shall be taken into consideration if such had been received on a regular basis prior to the occurrence of the damage.
- (3) Other regular earnings lost due to the damage shall be compensated for as income lost outside the judge's service relationship if they had been paid to the judge for gainful employment pursued in accordance with Subsection (1) of Section 40 of this Act.
- (4) For the purposes of determining the loss of income, potential future changes presumed to take place at a specific time shall also be taken into consideration.
- (5) There shall be no liability for the value of services that, by nature, are only provided in connection with work and for any expense reimbursements.

Section 138

- (1) The value of in kind benefits and the amount for material damage shall be determined by the retail prices in effect at the time the damage liability is established.
- (2) Depreciation shall also be included in the valuation of damage to property. If the damage to property can be repaired without any loss of value, only the repair cost shall be assessed for the amount of damages.

Section 139¹⁷⁹

- (1) The employer shall also be liable for compensating the family members of a judge for any damages and costs incurred in connection with the damage. Family members may also request restitution for violation of rights relating to personality.
- (2) In the event of a judge's death in connection with the damage, the judge's dependent relatives may demand compensation for the lost support in an amount that ensures their previous living standard and also takes into account their actual and/or potential income.

Section 140

The following shall be deducted from the amount of compensation for damages:

- a) the pension, health insurance and unemployment contributions on the salary lost;
- b) the value of benefits provided under the state healthcare and social security system;
- c)¹⁸⁰ the income earned by the judge through his/her own labor, excluding the income acquired by the judge through extraordinary performance of work in spite of his/her incapacity;
- d) the profit earned by the judge through the utilization of the damaged property;

¹⁷⁸ Established by Subsection (9) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

¹⁷⁹ Established by Subsection (10) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

¹⁸⁰ Established by Subsection (11) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

e) the amount of benefits gained by the beneficiary as a result of the occurrence of the damage.

Section 141

(1) Compensation may be provided in the form of regular payments as well. On general principle, regular payments shall be awarded if the compensation is intended to be used for the support of the employee or any of his/her family members eligible thereto or as a supplement to such support.

(2) If the amount of damage, in part or full, cannot be precisely calculated, the employer shall be liable to pay a general compensation in an amount that is appropriate for providing full indemnification to the aggrieved party. General compensation may also be awarded in the form of regular payments.

(3) In the event of any changes in the judge's substantive circumstances subsequent to the establishment of damages, both the aggrieved party and the employer may request the amount of damages be modified.

Section 142¹⁸¹

(1) Judges shall present their claims for compensation and/or for restitution to the employer in writing. The employer shall reply in writing within sixty days on its decision to honor or refuse the claim, giving also the reasons. If the employer acknowledges liability for damages, or its responsibility for payment of restitution, it shall take immediate measures to compensate for the damages in question and/or for the payment of restitution.

(2) If the employer does not acknowledge liability for damages or acknowledges only partial liability and, furthermore, if the aggrieved party finds the amount of compensation unsatisfactory, the aggrieved party may bring court action to enforce his claim. The person whose rights relating to personality had been violated may bring court action to enforce his claim if the employer refused to acknowledge his claim for restitution, or if in disagreement with the amount of restitution paid.

Section 143

(1) With respect to the term of limitation, damage claims for the difference between:

a) salary and sick pay,

b) salary and the earnings diminished on account of the grievance,

c)¹⁸² the average salary, salary and invalidity benefits, accident-related disability benefits, invalidity allowance or rehabilitation allowance, shall be recognized independently.

(2) If, in connection with a grievance, several additional compensation claims arise each being due at different times, the term of limitation for such claims shall be applied independently, commencing as of the due date of each claim.

(3) Subject to the distinction referred to in Subsection (1) hereof, the term of limitation shall commence:

a) on the day of the first payment of sick pay;

b) from the point in time when the diminished capacity to work on account of the grievance first leads to damages manifested in the loss of income;

c)¹⁸³ on the day on which disability benefits, invalidity allowance or rehabilitation allowance are granted.

(4) A claim for allowance shall be enforced retrospectively for more than six months if the beneficiary has taken the measures necessary to enforce the claim. No claim for allowance shall be enforced for a retrospective period of more than three years.

¹⁸¹ Established by Subsection (12) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

¹⁸² Established by Subsection (8) of Section 79 of Act LXXXVI of 2012. Amended by Paragraph k) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

¹⁸³ Established by Subsection (9) of Section 79 of Act LXXXVI of 2012, effective as of 1 July 2012.

Section 144

(1) If necessary, the employer may request the judge or his/her family members to provide proof each year regarding their income from employment or on their financial situation.

(2) The employer shall notify the aggrieved party within fifteen days following the implementation of any salary improvement on the basis of which the amount of compensation can be modified.

Section 144/A¹⁸⁴

Apart from restitution, other legal effects relating to any violation of rights relating to personality shall be governed by the relevant provisions of the Civil Code.

CHAPTER X**LEGAL DISPUTES ARISING IN CONNECTION WITH THE SERVICE RELATIONSHIP OF JUDGES****55. Service disputes and acting bodies***Section 145*

(1) Judges may bring action to enforce any claims they may have in connection with their service relationship. Legal action may be filed against a decision adopted by the person exercising employer's rights within its right of discretion if the employer has violated the provisions pertaining to the formation of such decisions.

(2) With the exception set out in Section 146, service disputes fall within the competence of the court of judges.

(3)¹⁸⁵ If the court finds that a judge's service relationship was terminated unlawfully, the judge may ask to be reinstated to his/her judicial office, and request further employment in his/her previous place of service. If the service relationship of a judge, also functioning as the president of chamber, is unlawfully terminated, his/her presidency shall be reinstated as well.

(4)¹⁸⁶ If the service relationship of a judge appointed for a fixed term, also functioning as a court executive, is unlawfully terminated, and if the executive office from which he/she was removed is not yet occupied at the time of reinstatement under Subsection (3), he/she shall be reinstated to that executive office as well. The term of such executive office shall be the same when first appointed. If reinstated into the previous executive post, the executive bonus referred to in Subsection (6) shall be provided up to the time of reinstatement.

(5)¹⁸⁷ In conclusion of a service dispute any judge who fails to comply with the requirements for appointment at the time of delivery of the decision may not be reinstated to judicial office.

(6)¹⁸⁸ In the case provided for in Subsection (3) the judge shall be compensated for unpaid salary and other emoluments, including any executive bonus due for the duration of fixed-term court executive appointment, as well as any losses - in accordance with the provisions on employer's liability for damages - the judge may have suffered on account of his/her unlawful termination. The judge may also demand restitution for any violation of his/her rights relating to personality resulting from the unlawful termination of his/her service relationship. The portion of salary (other emoluments) recovered elsewhere shall not be compensated. The executive bonus due for the duration of fixed-term court executive appointment, that was not paid up to the time of reinstatement shall be paid in full at the time of reinstatement; the executive bonus due after the time of reinstatement for a fixed-term court executive appointment shall be paid incorporated into the monthly salary, covering also any executive bonus that may be due otherwise.

¹⁸⁴ Enacted by Subsection (13) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

¹⁸⁵ Established by Section 24 of Act XX of 2013, effective as of 2 April 2013.

¹⁸⁶ Enacted by Section 24 of Act XX of 2013, effective as of 2 April 2013.

¹⁸⁷ Enacted by Section 24 of Act XX of 2013, effective as of 2 April 2013.

¹⁸⁸ Established by Subsection (14) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

(7)¹⁸⁹ If the service relationship of a judge is terminated unlawfully as under Subsection (3), and the judge did not ask to be reinstated to his/her judicial office, or the court decided not to order reinstatement to judicial office on the grounds provided for in Subsection (5), the court shall - in addition to what is contained in Subsection (6) - award a lump-sum compensation of not less than two and not more than twelve months' salary for the judge upon weighing all circumstances of the case, such as the gravity of the infringement and its consequences, as well as losses that may be recovered elsewhere.

*Section 146*¹⁹⁰

(1) Any service dispute not placed under the jurisdiction of the court of judges by this Act shall be heard by the general court acting as labor court.

(2) The action shall be filed before the general court within fifteen days of the occurrence of the measure (decision), the conduct contested or the failure to take action.

CHAPTER XI

PERSONNEL RECORDS

56. Contents and management of personal register

Section 147

(1) A personal register containing the documents specified in Subsection (2) shall be kept on judges.

(2)¹⁹¹ The personal register shall contain the documents related to appointment, the certificate of clean criminal record made out by the body operating the penal register, judge's curriculum vitae, photograph, the oath certificate, personal data sheet, documents concerning appointments to judicial and executive offices and positions, authorization to use electronic signature, the judge's evaluation report in terms of judicial and executive office, the particulars on compulsory trainings and facultative trainings provided and the documents in proof of attending such trainings, certificates of awards and decorations, and any decisions on disciplinary measures and liability for damages, and also on any restitution. The personal data sheet shall contain the particulars laid down in Annex 1 to this Act. Apart from what is contained in the Schedule, no other data may be obtained and kept on file unless otherwise prescribed in this Act. Judges shall report without delay any and all changes in their data of record.

(3)¹⁹² The central register of judges' personnel records shall be operated by the OBH.

(3a)¹⁹³ Records of the particulars of judges assigned to the Ministry shall be kept in the Ministry, and the particulars of judges assigned to the relevant body shall be kept at the relevant body.

(3b)¹⁹⁴ A copy of each judge's personal data sheet shall be kept at the general court, the court of appeal or the Kúria (*Curia*) as well.

(4)¹⁹⁵ The personal register may not be linked to any other records system in the absence of authorization by this Act. The personal register shall not be considered linked to any other records system when data is transmitted from the personal register to the computers of the central payroll accounting system for the purpose of centralized payroll accounting.

¹⁸⁹ Enacted by Section 24 of Act XX of 2013, effective as of 2 April 2013.

¹⁹⁰ Established by Section 125 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁹¹ Amended by Paragraph I) of Subsection (25) of Section 12 of Act CCXLIII of 2013, and Paragraph a) of Subsection (16) of Section 127 of Act CCLII of 2013.

¹⁹² Established by Section 126 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁹³ Enacted by Section 126 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁹⁴ Enacted by Section 126 of Act CXXVII of 2019, effective as of 1 April 2020.

¹⁹⁵ Established by Section 344 of Act XCIX of 2014, effective as of 30 December 2014.

Section 148

(1) Judges shall have the right to inspect their own personal records any time, request corrections where necessary, and have any unlawfully recorded data deleted. Judges may refuse to disclose unlawfully requested information. Apart from judges, these records may only be accessed by the employer's authorized executive and any employee delegated by this executive who prepares and implements executive decisions.

(2)¹⁹⁶ The person exercising employer's rights, or the OBH shall be allowed to disclose information from the judge's particulars contained in the personal register without the judge's consent, in the public interest, such as the judge's name, place of service and position, and other data where permitted by law.

(3)¹⁹⁷ From the judge's particulars contained in the personal register, and from the documents therein contained, data may be disclosed:

a) to the judicial body,

b) to the body responsible for centralized payroll accounting, having regard to data provided for by law,

c)¹⁹⁸ from the records on authorizations for use of electronic signatures, to the Trust Service Provider to the extent prescribed by the E-government Act as required for the provision of services relating to electronic signatures.

Section 149

The personnel records of judges shall be retained for fifty years - subject to the exception set out in Subsection (4) of Section 100 - after the termination of the judge's service relationship.

CHAPTER XII

REMUNERATION OF JUDGES

57. Salary and benefits of the President of the Kúria (*Curia*)

Section 150

(1)¹⁹⁹ The monthly salary of the President of the Kúria shall be seven times the salary base of judges.

(2) The provisions applicable to the service relationship of judges shall apply to the legal status of the President of the Kúria with respect to social insurance.

(3) The duration of the term in office of the President of the Kúria shall be recognized as time spent in judicial service relationship, and as service time for the purposes of eligibility for pension benefits.

Section 151

The President of the Kúria shall be entitled to forty working days of paid leave in a calendar year.

Section 152

(1) The President of the Kúria shall be entitled to presidential residence.

(2) The President of the Kúria shall be entitled to use two cars, for personal and for official business.

(3) The President of the Kúria shall have access to all healthcare services free of charge, by agreement between the service provider medical facility and the Kúria.

¹⁹⁶ Established by Subsection (1) of Section 345 of Act XCIX of 2014, effective as of 30 December 2014.

¹⁹⁷ Enacted by Subsection (2) of Section 345 of Act XCIX of 2014, effective as of 30 December 2014.

¹⁹⁸ Established by Subsection (2) of Section 70 of Act CXXI of 2016, effective as of 26 November 2016.

¹⁹⁹ Established by Section 127 of Act CXXVII of 2019, effective as of 1 January 2020.

(4) The President of the Kúria shall be entitled to use radio telephone and internet services free of charge, and shall have access to restricted government communications networks.

Section 153

(1) The President of the Kúria shall be entitled to escort and an expense allowance when traveling abroad on official business.

(2) The expense allowance shall cover:

a) the daily allowance for external travel granted under the legislation on government executives, and

b) the costs incurred on official travel with the relevant receipts and invoices attached.

(3) If the external travel takes place by regular commercial flight or train, the President of the Kúria shall be entitled to travel on first class or similar arrangement.

(4) When traveling to and from abroad, and when welcoming or escorting an official foreign delegation the President of the Kúria shall be entitled to use the airport concourse reserved for government officials.

Section 154²⁰⁰

Section 155

The President of the Kúria, and his/her spouse, domestic partner, child, parent, grandchild and the spouse of his/her child when on holiday together, shall have access to the Government Holiday Center for a fee. The fee charged shall cover the costs of accommodation, meals and holiday services.

Section 156

In the event of death of the President of the Kúria, his/her spouse, or in the absence thereof, domestic partner (hereinafter referred to collectively as "widow") - or in the absence of a widow, the heir or heirs - shall be entitled to a lump-sum allowance equal to six months' salary of the President of the Kúria.

58. Salary and benefits of vice-presidents of the Kúria (*Curia*)

Section 157²⁰¹

The monthly salary of the Vice-President of the Kúria shall be 90 per cent of the monthly salary of the President of the Kúria.

Section 158

As regards the benefits granted to vice-presidents of the Kúria, the provisions of the Government Decree on the Benefits Provided to Government Executives and Public Officials of Government Bodies, and on the Conditions Thereof on benefits granted to the Minister shall apply *mutatis mutandis*.

59. Salary and benefits of the President of OBH

Section 159²⁰²

The monthly salary of the President of OBH shall be seven times the salary base of judges.

²⁰⁰ Repealed by Subsection (2) of Section 147 of Act CXXVII of 2019, effective as of 20 December 2019.

²⁰¹ Established by Section 128 of Act CXXVII of 2019, effective as of 1 January 2020.

²⁰² Established by Section 129 of Act CXXVII of 2019, effective as of 1 January 2020.

Section 160

As regards the benefits granted to the President of OBH, the provisions of the Government Decree on the Benefits Provided to Government Executives and Public Officials of Government Bodies, and on the Conditions Thereof on benefits granted to ministers shall apply mutatis mutandis.

Section 161²⁰³

60. Salary and benefits of the vice-presidents of OBH

Section 162²⁰⁴

The monthly salary of the Vice-President of OBH shall be 90 per cent of the monthly salary of the President of OBH.

Section 163

As regards the benefits granted to the vice-presidents of OBH - whether a judge or non-judge -, the provisions of the Government Decree on the Benefits Provided to Government Executives and Public Officials of Government Bodies, and on the Conditions Thereof on benefits granted to state secretaries shall apply mutatis mutandis.

Section 164

If the vice-presidents of OBH are judicial employees, their legal status and salary shall be governed by the Act on the Service Relation of the Judiciary and Judicial Staff and the Act on the Organization and Administration of Courts.

61. Common provisions

Section 165

When the mandate of the President of the Kúria and his/her vice-presidents, or the mandate of the President of OBH and his/her vice-presidents ceases, they shall be entitled to keep their previous title, except if terminated by way of disqualification from office or pursuant to Paragraph c), e) or i) of Section 90.

Section 166

(1)²⁰⁵ The costs of access to the benefits to which the President of the Kúria and his/her vice-presidents and the President of OBH and his/her vice-presidents are entitled shall - unless otherwise provided for by law - be covered by the budget chapter on the judiciary of the act on the central budget.

(2)²⁰⁶ The President of the Kúria and his/her vice-presidents and the President of OBH and his/her vice-presidents are required to disclose to the relevant organ the data and information necessary for claiming their benefits, including any changes in such data. Benefits claimed without legal basis shall be repaid within fifteen days from the time of receipt of notice to that effect.

²⁰³ Repealed by Subsection (1) of Section 19 of Act CXXXI of 2013, effective as of 1 August 2013.

²⁰⁴ Established by Section 130 of Act CXXVII of 2019, effective as of 1 January 2020.

²⁰⁵ Amended under Paragraph d) of Subsection (1) of Section 29 of Act CXI of 2012.

²⁰⁶ Amended under Paragraph e) of Subsection (1) of Section 29 of Act CXI of 2012.

62. General provisions relating to salary

Section 167

Under the conditions set out in this Act, judges shall be entitled to:

- a) a salary,
- b) other forms of salary, benefits and allowances.

63. Salary of judges

Section 168

The salary of judges shall consist of a basic salary and allowances. The special duty allowance, executive bonus and title premium is similar to the basic salary.

Section 168/A²⁰⁷

(1) Judges shall be entitled to their salary for the duration of the following absences:

- a) duration of leave;
 - b)²⁰⁸ in the cases referred to in Paragraphs c)-g) and j) of Subsection (1) of Section 55 of the Labor Code;
 - c) any duration of performing civil duties;
 - d) where payment for periods of absence is prescribed by this Act without specifying the actual amount of such payment;
 - e) the time lost because of a public holiday;
 - f) in the event of the employer's inability to provide employment as contracted due to unavoidable external reasons.
- (2) For any period of sick leave 70 per cent of the salary shall be paid.
- (3) The salary for one day shall be calculated by dividing the monthly salary by the number of working days in the month.
- (4) The salary for one hour shall be calculated by dividing the daily salary by the number of working hours the judge worked during the day full time.

64. The salary base and basic salary of judges

Section 169

- (1) The basic salary of a judge shall be determined on the basis of the judge's service time as calculated in accordance with this Act, by multiplying the judge's salary base with the index numbers specified for each pay grade in Annex 2.
- (2) The salary base of judges shall be established by the act on the central budget, with the proviso that it may not be less than the sum established for the previous year.²⁰⁹

Section 170

- (1) Any judge who does not have any service time as a judge when he/she is appointed or whose imputed service time is less than three years shall be in pay grade 1.
- (2) Judges shall move up one pay grade for every three years of service time.

²⁰⁷ Enacted by Subsection (19) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

²⁰⁸ Amended by Paragraph a) of Section 11 of Act LXV of 2020.

²⁰⁹ The salary base of judges in 2012, 2013, 2014 and 2015 is 391,600 forints. See Subsection (1) of Section 58 of Act CLXXXVIII of 2011, Subsection (1) of Section 55 of Act CCIV of 2012, Subsection (1) of Section 56 of Act CCXXX of 2013, and Subsection (1) of Section 63 of Act C of 2014.

Section 171

Judges may be promoted - if rated outstanding, recommended for higher judicial office, or for professional excellence - by recommendation of the college on two occasions while in office and advanced one pay grade up. Unscheduled promotions are permitted at least six years apart. In the case of unscheduled promotion, the time spent in the previous pay grade shall be treated as if spent in the new one. Unscheduled promotions shall be made as of the first day of the year.

Section 172

(1) With the exceptions set out in Subsection (2), the service time of a judge shall commence as of the day on which the judge is appointed.

(2)²¹⁰ Time spent as a judge in a judge's service relationship or as a public prosecutor in service relationship in the prosecution service before the appointment shall be taken into consideration as service time, as well as any time spent in a position for which a bar examination is required according to the policy of the person exercising employer's rights pursuant to legislation may also be included in the judge's service time.

(3) For the purposes of calculating service time, any fraction of a year shall be treated as a full year.

65. Special duty allowance and title premium

*Section 173*²¹¹

(1) District court judges, general court judges and judges of courts of appeal, *Kúria (Curia)* judges are entitled to special duty allowance.

(2) The amount of special duty allowance shall be:

- a) 20 per cent of the salary base in the case of district courts judges;
- b) 40 per cent of the salary base in the case of general court judges;
- c) 70 per cent of the salary base in the case of judges of courts of appeal;
- d) 120 per cent of the salary base in the case of *Kúria* judges.

Section 174

(1) If rated outstanding, recommended for higher judicial office, or for professional excellence, and after at least six years of service as a judge in a particular judicial level - including the time spent in judicial office in a higher court - the OBT may award the title:

- a)²¹² "Honorable General Court Judge" for district court judges,
- b) "Honorable High Court Judge" for general court judges,
- c) "Honorable Curia Judge" for judges of courts of appeal,
- d) "Curia Counselor" for *Kúria (Curia)* judges.

(2) After at least twenty years of service as a judge in a particular judicial level - including the time spent in judicial office in a higher court - the President of OBH may award the title:²¹³

- a)²¹⁴ "Honorable General Court Judge" for district court judges,
- b) "Honorable High Court Judge" for general court judges,
- c) "Honorable Curia Judge" for judges of courts of appeal,
- d) "Curia Counselor" for *Kúria* judges.

(3)²¹⁵ With the titles referred to in Subsections (1) and (2), honorable general court judges, honorable high court judges, honorable Curia judges and Curia counselors shall receive,

²¹⁰ Established by Section 131 of Act CXXVII of 2019, effective as of 1 January 2020.

²¹¹ Established by Subsection (2) of Section 132 of Act CXXVII of 2019, effective as of 1 April 2020.

²¹² Amended by Paragraph d) of Subsection (1) of Section 147 of Act CXXVII of 2019.

²¹³ Amended by Paragraph b) of Subsection (17) of Section 79 of Act LXXXVI of 2012.

²¹⁴ Amended by Paragraph d) of Subsection (1) of Section 147 of Act CXXVII of 2019.

²¹⁵ Established by Section 133 of Act CXXVII of 2019, effective as of 1 January 2020.

respectively, 30, 50, 80 and 130 per cent of their salary base, as title premium. At the same time, they shall cease to be entitled to the special duty allowance for their position.

Section 175

If a judge is transferred to a lower court for reasons of interests of the service - other than for disciplinary causes -, or if seconded to a lower court, his/her entitlement to receive special duty allowance as previously, and to bear his/her title and receive the related allowance shall remain in effect. Interests of the service shall include when a judge is transferred to an executive position in lower court, or if the judge is re-appointed without a public selection process.

66. Executive bonus

Section 176

- (1) Court executives shall be entitled to executive bonus in accordance with Annex 3.
- (2) The amount of an executive bonus shall be paid as a percentage of the judge's salary base.
- (3) The executive bonus is due under only one legal title, for the higher executive office.

Section 177

(1)²¹⁶ In determining the amount of executive bonuses, the presidents of main district courts and their deputies shall have the same rank as the presidents of general courts and their deputies, the heads of group of main district courts shall have the same rank as the heads of college of general courts, and deputy heads of groups shall have the same rank as the presidents of smaller district courts.

(2)²¹⁷ For the purposes of eligibility for executive bonus, main district court means any district court where the average statistical number of staff of judges exceed fifty in a given year, major district court means a district court attached to a general court, and any court where the average statistical number of staff of judges exceed eight in a given year.

Section 178²¹⁸

67. Language premium

Section 179

- (1) Judges shall be paid a language premium for placing their knowledge of a foreign language at the employer's disposal and if they are holding a language certificate or an equivalent document for the language in question.
- (2) The language premium is due separately for each foreign language.

Section 180

- (1) The language premium for each foreign language shall be:
 - a) eight per cent of the judge's salary base if holding an advanced complex language certificate, four per cent each for taking the oral and written language exam,
 - b) four per cent of the judge's salary base if holding an intermediate complex language certificate, two per cent each for taking the oral and written language exam.
- (2) For proficiency in the English, French and German languages, if verified in accordance with Subsection (1) of Section 179, the monthly premium per language shall be calculated as follows:

²¹⁶ Established by Section 134 of Act CXXVII of 2019, effective as of 1 January 2020.

²¹⁷ Amended by Point 1 of Subsection (1) of Section 347 of Act XCIX of 2014.

²¹⁸ Repealed by Paragraph e) of Subsection (1) of Section 147 of Act CXXVII of 2019, effective as of 1 April 2020.

- a) twelve per cent of the judge's salary base if holding an advanced complex language certificate,
 - b) eight per cent of the judge's salary base if holding an intermediate complex language certificate,
 - c) two per cent of the judge's salary base if holding a basic complex language certificate.
- (3) Any judge who has a language certificate for oral or written proficiency examination in the foreign languages referred to in Subsection (2) shall be entitled to the premium provided for the complex language certificates under Subsection (1).
- (4) Where a judge has a proficiency examination of the same type but different grade in the same language, or different type and different grade, the higher premium shall apply. Any judge who has a proficiency examination of the same level but different type shall not be entitled to a premium higher than what is granted for complex language certificates.
- (5) If a judge receives financial aid under a study contract for language proficiency examination, except an advanced proficiency examination in professional language skills, no language premium shall be granted as long as the combined total of the monthly premium payable remain below the amount of financial aid paid under the study contract.

68. Compensatory supplement and skills premium

Section 181

- (1) The person exercising employer's rights may grant compensatory supplement - within the staff benefits account of the budget chapter on the judiciary of the act on the central budget - to judges for a fixed period of time, or for the duration of performance of specific tasks, if the judge is acting as a spokesperson or an instructor, or if regularly carrying out any other operational duties in addition to his/her normal function of judicial office.
- (2) The amount of compensatory supplement may be between five to thirty per cent of the judge's salary base, however, it may not exceed forty per cent of the salary base regardless of how many specific tasks are carried out.

Section 182

- (1) The person exercising employer's rights may grant skills premium - within the staff benefits account of the budget chapter on the judiciary of the act on the central budget - to judges for any professional qualification or vocational skills received inside the regular tertiary education system, or during advanced training, or for earning a doctor's degree (PhD) or higher diploma, if such skills and knowledge are directly transferable to carrying out his/her normal functions of judicial office or in carrying out the responsibilities of the court.
- (2) The amount of skills premium may be between ten to thirty per cent of the judge's salary base.
- (3) If a judge receives financial aid under a study contract concluded with the employer obtaining certain qualifications, skills premium shall not be available as long as the combined total of the monthly premium payable remain below the amount of financial aid paid under the study contract.

69. Other forms of remuneration, benefits and expense accounts

Section 183

- (1)²¹⁹ Judges shall be entitled to "cafeteria" benefits comprising the benefits specified in Subsection (1) of Section 71 of Act CXVII of 1995 on Personal Income Tax, up to the amount described therein. The President of OBH may provide - by means of a policy - other optional benefits, or may set the optional limit of certain benefits higher.

²¹⁹ Established by Section 136 of Act CXXVII of 2019, effective as of 1 January 2020.

(2)²²⁰ A judge in long-term foreign service shall not be entitled to receive “cafeteria” benefits, nor for any period for which no salary or average salary is paid, provided that the duration of such absence exceeds thirty days.

(3) The judge shall provide a statement in writing or by way of electronic means by 15 January of the year, or at the time of entering into the judgeship or at the time when transferred, in which to indicate any the specific types of “cafeteria” benefits desired. This statement may be revised subsequently only if permitted by the decree of the President of OBH. The President of OBH may decree that if the statement pertains to the selection of a travel pass for local commute, it shall have to be made in advance.

(4) The annual amount of the “cafeteria” benefits to which the judge is entitled shall be determined by the President of OBH, however, it may not be less than fifty per cent of the judge’s salary base, and may not exceed three times that salary base. The annual amount of the “cafeteria” benefits shall also cover the payment of public dues payable in connection with specific benefits by the provider of such benefits.

(5) In the case referred to in Subsection (2), or if the judge’s service relationship terminates during the year, the amount of the “cafeteria” benefits claimed for any period in excess of the time period of the service relationship shall be repaid on the first day at work following the period of leave of absence, or at the time when the service relationship is terminated, or - at the judge’s discretion and if so permitted by the nature of the benefit in question - shall be returned (hereinafter referred to collectively as “repayment”). No repayment of the “cafeteria” benefits is required if the service relationship terminates due to the judge’s death.

(6) If the judge is transferred during the year, his/her entitlement to “cafeteria” benefits shall be time proportionate at the employers involved. If the judge received “cafeteria” benefits from the former employer in excess of the time-proportionate part, no repayment obligation shall apply, however, the value of the “cafeteria” benefits claimed in excess shall be deducted from the benefits to be provided by the new employer, up to the amount of benefits available from the new employer.

Section 184

(1) Judges shall receive an anniversary premium after 25, 30, 35 and 40 years of service time.

(2) The anniversary premium shall be two months’ salary after 25 years, three months’ salary after 30 years, four months’ salary after 35 years and five months’ salary after 40 years in service.

(3)²²¹ In calculating the periods of eligibility for anniversary premium, in addition to the time spent in the judge’s service relationship periods of service in public prosecutor’s and judicial service relationship, as a member of the Constitutional Court, as a parliamentary commissioner or commissioner of fundamental rights, as a member of Parliament, spokesmen for the nationality, serving as a mayor or deputy mayor on a full-time basis, serving in the capacity of a government executive, political dignitary, in a government service, State service, public service or civil service relationship, service relationship of administrative staff of law enforcement bodies, legal relationship of army civilian personnel, in a service legal relationship within the framework of law enforcement bodies and organizations provided for in the Act on the Service Relation of the Professional Staff Members of Law Enforcement Bodies and Organizations, or in the Hungarian Armed Forces, furthermore, time spent in any other work-related contractual relationship (under contract of employment, after 20 January 1992 in a quasi-employment relationship at any cooperative society) shall be taken into account as well.

(4) In addition to what is contained in Subsection (3), periods of eligibility for anniversary premium shall also include lawyership, and the duration of service as notary public or court bailiff, excluding any duration of suspension of legal practice, and the suspension of services of notaries public and court bailiffs.

(5) Where in calculating the periods of eligibility for anniversary premium there are several legal relationships applicable to a specific period, only one may be included.

²²⁰ Amended by Paragraph c) of Subsection (17) of Section 79 of Act LXXXVI of 2012.

²²¹ Established by Section 92 of Act LXIV of 2016. Amended by Paragraph b) of Section 47 of Act CXV of 2018, Paragraph g) of Subsection (1) of Section 146 of Act CXXVII of 2019.

(6) If a judge received anniversary premium in any of his/her previous employment, the premium for the same grade shall not be granted for the second time.

(7) When a judge's service relationship ceases due to retirement he/she shall be paid:

a) the anniversary premium for the year of retirement;

b) the anniversary premium payable after thirty years in service, if two years or less remain from the service time required for the anniversary premium;

c) the anniversary premium payable after thirty-five or forty years in service, if three years or less remain from the service time required for the anniversary premium.

(8) If the service relationship of a judge ceases due to his/her death, the anniversary premium shall be paid to his/her legal heir in accordance with Subsections (6) and (7).

Section 185

Judges shall be entitled to separate pay for stand-by and on-call duty performed overtime. The pay for on-call duty shall be by the hour spent on duty corresponding to the judge's regular salary, and 50 per cent of this pay for stand-by duty. The pay for on-call and stand-by duty on a rest day or a public holiday shall be double.

Section 186²²²

(1) Any judge who is transferred from his regular place of service to the court of a municipality from which the daily commute back to his workplace is not possible shall be entitled to pay for temporary assignment in the form of daily meal allowance for each working day in temporary assignment, in addition to covering the costs of transport and accommodation.

(2) The pay for temporary assignment shall be established as provided for in Subsections (1) and (3) of Section 187, save where Subsection (5) applies. If the judge's temporary assignment takes place under Subsection (1) of Section 32, the daily allowance shall be increased to 150 per cent.

(3) No daily allowance shall be paid simultaneously with pay for temporary assignment inside of Hungary; nor shall it be paid if meals are provided at the place to which the judge has been posted.

(4) Any judge who holds his/her post awarded by way of selection process in accordance with Section 33, shall be entitled to availability premium. The amount of such availability premium shall be 20 per cent of the judge's salary base.

(5) Any judge who holds his/her post awarded by way of selection process in accordance with Section 33 is transferred as under Subsection (1) shall be entitled to daily allowance in addition to the availability premium. It shall be established as provided for in Subsections (1) and (3) of Section 187, with the exception that the daily allowance shall be equal to 10 per cent of the salary base calculated for one working day.

Section 186/A²²³

(1) Except for Subsections (2) and (3), domestic assignment means when the judge performs work for reasons of interests of the judiciary, or by instruction of the person exercising employer's rights - without special instruction where attending a procedural measure with a view to adjudicating the case of him/her - temporarily, outside his/her place of residence, or place of service specified in the assignment order or instrument of appointment, according to the case allocation or case distribution rules, in the interest of the employer, carries out administrative measures, or tasked with central administration duties by instruction of the President of OBH.

(2) Domestic assignment shall not cover the case where an executive appointed for a fixed term performs his/her duties arising in connection with his/her office outside his/her place of service.

²²² Established by Subsection (11) of Section 79 of Act LXXXVI of 2012, effective as of 1 July 2012.

²²³ Enacted by Subsection (20) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

(3) Domestic assignment shall not include where a judge performs on a regular basis his/her functions outside the place of service indicated in the document on posting, or outside the place of service indicated in the instrument of appointment, but

- a) in the county where the court of appeal is located, if the judge's place of service is in that court of appeal, except for the court of appeal provided for in Paragraph c),
- b) in the area of competence of the general court, if the judge's place of service is in that general court, except for the general court provided for in Paragraph c),
- c) in the area of Budapest, if the judge's place of service is in the Kúria (*Curia*), any court of appeal in Budapest, any general court whose area of competence covers Budapest, or in the OBH.

Section 187

(1) Judges posted to work in another place shall receive a daily allowance of 20 per cent of their salary base for covering the extra expenses that arise in connection with meals and beverages. If the duration of posting is between four and six hours, half of the daily allowance shall be paid. The amount of daily allowance shall be calculated on the basis of twenty-one days per month.

(2) No daily allowance shall be paid simultaneously with pay for temporary assignment; nor shall it be paid if the employer provides meals for the entire day at the place to which the judge has been posted.

(3) If hotel accommodations are provided and if breakfast is included in the price of the room, the amount of the daily allowance shall be reduced by 20 per cent.

(4) When commuting to the place of work by train, whether by posting or temporary assignment, judges shall travel first class.

Section 188

(1) Judges may be given housing allowances, specifically in the form of:

- a) providing rental premises controlled by the court in the case of relocation due to appointment to an executive post or transfer for reasons of interests of the judiciary, or due to secondment, except where secondment is ordered for reasons of interests of the judiciary,
- b) interest-free employer loan provided for the purchase of a residential property in the same community where the previous residence or place of service is located, or in its vicinity, including the expansion or remodeling of an existing residential property,
- c) financial aid for housing-related expenses,
- d) moving allowance when relocating to another town.

(2) Rental of premises controlled by the court may be provided up to the time when the judge's service relationship is terminated.

Section 189

(1) In addition to "cafeteria" benefits, judges may be given other benefits within the limits of funding provided under the annual budget of the judiciary, such as in particular:

- a) contribution to voluntary supplementary fund membership;
- b) resettlement assistance;
- c) moving allowance when relocating to another town;
- d) social aid and funeral assistance, family support;
- e) scholarship, aid for training, education and learning languages;
- f) salary advance;
- g) financial award in recognition of the judge's service time;
- h) life insurance policy with savings element in recognition of the length of service;
- i) support for commute to and from work;
- j) support for purchasing a vehicle by way of guarantee or in the form of a soft loan.

(2) Retired judges may be supported by way of benefits provided in cash or in kind.

(3)²²⁴ The detailed conditions for and the extent of the benefits specified in Subsections (1) and (2) shall be established by the President of OBH - by means of a policy - in cooperation with the trade organizations affected.

Section 189/A²²⁵

(1) If a judge's salary is established as an average salary, it is to be calculated on the basis of the commensurate salary and bonuses (hereinafter referred to as "remuneration") paid for the relevant period (hereinafter referred to as "normative period").

(2) In respect of the calculation method described in Subsection (1) above, remuneration paid at a time other than the regular payday shall be construed as if paid on a regular payday.

(3) In calculating the amount of average salary, the salary shall be taken into account in the amount applicable on the due date of the average salary.

(4) The average salary shall be calculated on the basis of the remuneration paid for the last four calendar quarters.

(5) If the period of a judge's service relationship is less than four calendar quarters, the average salary shall be calculated on the basis of the remuneration paid for the relevant calendar quarter(s), or for the last calendar month(s), as appropriate.

(6) In respect of the calculation of average salary, only the commensurate portion of remuneration paid during the normative period as being due for a specific period which is in excess of the normative period, and the portion of remuneration paid outside of the normative period which is applicable only as the basis for the calculation - having regard to the divider specified in Subsection (8) - of the average due for the work performed during the normative period shall be included in the amount of paid remuneration.

(7)²²⁶ If the judge's service relationship does not reach one calendar month, the average salary shall be construed in the same amount as his/her salary.

(8) The average salary for one hour or for one working day shall be calculated by dividing the total of the judge's salary paid for the normative period with the number of hours or days spent on the job, or not spent on the job but compensated by salary, during the period in question (hereinafter referred to collectively as "divider").

(9) The calendar quarter, or the calendar month in the absence of calendar quarter(s) described in Subsection (5), during which no divider is related to the judge's paid remuneration shall not be included for determining the normative period.

(10) Where the use of average salary is prescribed by this Act in determining the payment obligation, one month's average salary shall be calculated by multiplying the judge's average salary for one day by twenty-two. When calculating the monthly average salary in the case of working time banking, the average hourly wage calculated in accordance with Subsection (8) shall be multiplied by 174, or with its time proportionate part for judges working part time.

Section 190

(1) The State shall provide surety facilities for judges in connection with their purchase or construction of a home for loans provided by credit institutions at subsidized interest rates, covering the part over 60 per cent and not exceeding 100 per cent of the mortgage lending value of the residential property for which the money was borrowed and that serves as a security for the loan.

(2) The State shall provide surety facilities under Subsection (1) to a judge:

- a) who served as a judge for at least three years;
- b) who is not in the discharge or notice period on resignation;
- c) who is not implicated in a disciplinary proceeding and is not under the effect of a disciplinary penalty;
- d) who is not implicated in a criminal proceeding;

²²⁴ Established by Section 137 of Act CXXVII of 2019, effective as of 1 January 2020.

²²⁵ Enacted by Subsection (12) of Section 79 of Act LXXXVI of 2012, effective as of 1 July 2012.

²²⁶ Amended by Paragraph m) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

e) who has paid off any previous loan received under the surety facilities referred to in Subsection (1) to the credit institution, or whose spouse or domestic partner living in the same household does not have any housing loan guaranteed by State surety facilities outstanding at the time the application is submitted;

f) who is rated credit-worthy by the internal regulations of the lending credit institution based upon the income of the judge and the co-debtor, with regard to the entire loan amount.

(3) In the application of Paragraph a) of Subsection (2), any previous service relationship the judge may have in judicial staff or public prosecution shall also be included.

(4) The conditions under Paragraphs a)-c) of Subsection (2) and the length of service relationship, that is the prerequisite for the guarantee, shall be verified by the person exercising employer's rights.

(5)²²⁷ The condition under Paragraph d) of Subsection (2) shall be verified by the judge by means of a certificate of clean criminal record, and the judge shall verify the condition under Paragraph e) of Subsection (2) to the lending credit institution.

Section 191

(1) The judge shall notify the person exercising employer's rights of the following within five working days following conclusion of the loan contract:

a) the name and address of the lender financial institution;

b) the amount of loan guaranteed by State surety facilities;

c) the term of the loan.

(2) The judge shall forthwith notify the person exercising employer's rights of any changes in the data provided for in Subsection (1).

Section 192

(1) If the judge's service relationship is terminated under Subsection (1) of Section 25, Paragraph a) of Section 90 or Paragraph b) of Section 90 - if declared unfit for reasons other than health -, or under Paragraphs c)-e), i), k)-m) of Section 90, the judge shall be liable to pay a one-time guarantee fee to the central budget, through the credit institution, on the remaining guarantee. The amount of the guarantee fee is two per cent of the loan amount guaranteed.

(2) If the judge's service relationship is terminated under Subsection (1) hereof the person exercising employer's rights shall so inform the credit institution indicated in the judge's notice referred to in Subsection (1) of Section 191 within eight days.

(3) The credit institution shall calculate the guarantee fee and notify the judge in writing within eight days of the amount payable according to Subsection (1). The judge shall pay this guarantee fee to the credit institution within thirty days from the date of receipt of the credit institution's notice.

(4) If the judge fails to comply with the payment obligation specified in Subsection (1), the credit institution shall refer the case within eight days to the state tax authority together with the judge's particulars.

(5) Any sum paid by the State in the stead of the judge under a guarantee agreement - that cannot otherwise be recovered by the credit institution -, as well as if the judge failed to pay the one-time guarantee fee specified in Subsection (1), these debts of the judge shall be treated as outstanding public dues owed to the Hungarian State, and shall be collected by the state tax authority enforced as taxes.

(6) The rules for compliance with the commitment stemming from surety shall be decreed by the Government.

Section 193

The credit institution shall disclose the amount of loans provided to judges under State surety facilities outstanding at the end of each quarter, and the number of loans to the treasury, by

²²⁷ Amended by Paragraph d) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

the fifteenth day of the month that follows the quarter. The data referred to above may be processed and disclosed if not suitable for individual identification.

Section 194

Judges may be awarded a decoration under the Act on the Use of the Coat of Arms and Flag of Hungary, and on State Honors and Decorations, or an honorary title, award, merit, plaque or other form of approbation given under authorization by the said Act.

70. Derogations relating to judges assigned to the Kúria, the OBH, the Ministry and to other bodies²²⁸

Section 195²²⁹

(1) The provisions of Sections 167-194 shall apply to judges assigned to the Kúria (*Curia*), the OBH, the Ministry and the relevant body subject to the exceptions set out in Subsections (2)-(6) hereof.

(2) The judges referred to above shall be entitled to special duty allowance on the basis of their previous positions. Any judge transferred from a local court or district court shall be entitled to special duty allowance in the amount due to general court judges, and the service time they spent as judge at the Kúria, the OBH, the Ministry and the relevant body shall be construed as spent at a general court.

(3) Except as specified in Subsection (4), the executive bonus of judges working in or posted at the OBH, the Ministry or the relevant body in the positions of senior department head, deputy senior department head and department head shall be the same as that granted:

- a) to heads of college of courts of appeal in the case of senior department heads,
- b) to vice-presidents of general courts in the case of deputy senior department heads,
- c) to presidents of major district courts in the case of department heads.

(4) The executive bonus of judges assigned to the public prosecutor's office for executive office shall be the same as the executive bonus granted under the Act on the Legal Status of the Prosecutor General, Public Prosecutors and Other Employees of the Prosecution Service, and on Carrier Model in the Prosecution Service.

(5) Judges assigned to the OBH, the Kúria, the Ministry and the relevant body shall be entitled, in addition to the special duty allowance referred to in Subsection (2), to 30 per cent of their salary base.

(6) The OBT shall have exclusive powers to award special promotions and higher titles by recommendation of the minister in charge of the judicial system, the head of the relevant body, the President of OBH and the President of the Kúria pertaining to judges assigned to the Ministry, the relevant body, the OBH and the Kúria, respectively.

(7) The judges referred to above shall not be entitled to any pay for stand-by and on-call duty, and their overtime shall be compensated with a standard leave of absence according to the provisions pertaining to government officials.

Section 196

(1)²³⁰ Judges shall receive their salary and other payments as due under this Act and other legislation by way of transfer to the payment account of their choice or, in the absence of a payment account, by way of delivery of cash payment made from current account.

(2)²³¹ The bank account subsidy provided to judges in connection with their payment account may not exceed the limit specified in the act on the central budget for the given month.

(3)²³² The employer shall cover the cost of transfer of salary to a payment account, including if paid in cash.

²²⁸ Established by Section 138 of Act CXXVII of 2019, effective as of 1 April 2020.

²²⁹ Established by Subsection (2) of Section 139 of Act CXXVII of 2019, effective as of 1 April 2020.

²³⁰ Amended by Subsection (26) of Section 12 of Act CCXLIII of 2013.

²³¹ Established by Subsection (21) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

²³² Enacted by Subsection (22) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

CHAPTER XIII

DECLARATION OF PERSONAL WEALTH

71. Obligation of declaration of personal wealth and persons required to file a declaration of personal wealth

Section 197

In order to enforce fundamental rights and commitments in an unbiased and objective fashion, apprehend any form of immoral conduct on the part of public officials and to fight against corruption, judges shall be required to file - in accordance with procedural rules set out in this Act - a declaration of personal wealth (hereinafter referred to as "judge's declaration of personal wealth") containing the data specified in Annex 4, and they shall be required to update their previous declarations of personal wealth every three years to reflect any increase in their personal wealth and the sources thereof. Judges shall also be required to file a separate declaration of personal wealth for their spouses, domestic partners and children (hereinafter referred to collectively as "family member") who live in the same household (in this Chapter hereinafter referred to as "family member's declaration of personal wealth"). Unless this Act contains provisions to the contrary, the provisions on declarations of personal wealth made by judges shall also apply to family members' declarations of personal wealth.

Section 198

Declarations of personal wealth shall be filed before the oath is taken, and thereafter by 31 March of the year in which the requirement must be fulfilled.

Section 199

- (1) Declarations of personal wealth made by judges and their family members (hereinafter referred to collectively as "declaration of personal wealth") shall include two parts: a personal section that contains the personal data and a financial section that contains a list of the assets.
- (2) The personal section of the declaration of personal wealth shall be made out in two copies. One copy of each of the personal sections of the declarations of personal wealth made by judges and their family members shall be placed in separate sealed envelopes with the judge's registration number in the personnel records and given to the person exercising employer's rights or, in the case of executives who are appointed by the President of OBH, to the President of OBH (hereinafter referred to as "person exercising employer's rights"). The other copy shall be retained by the judge.
- (3) Judges shall also attach a power of attorney to the personal section of the declaration of personal wealth authorizing the OBT to process their personal data to the extent necessary for checking the information contained in the declaration of personal wealth. The power of attorney shall be drafted in a private document representing conclusive evidence.
- (4) Powers of attorney under Subsection (3) shall also be obtained from those of the judge's family members who live in the same household and shall be attached to the personal section of the declarations of personal wealth made by family members.

72. Ad hoc declaration of personal wealth

Section 200

- (1) The person exercising employer's rights may instruct judges to supply a declaration of personal wealth at times other than those specified in Section 198 if it receives any report concerning the judge's financial affairs suggesting that there are reasonable grounds to believe that the judge's enrichment is not tenable on the basis of the income from his service relation or from any other legitimate source known to the employer.

(2) A judge may not be compelled to provide an ad hoc declaration if the report is anonymous or if it contains clearly unfounded facts or facts or circumstances to which the person exercising employer's rights has already sought the judge's response. The handling and processing of an ad hoc declaration of personal wealth, its comparison with the previous one and any ensuing supervisory procedure shall be conducted in accordance with the general provisions.

73. Administration of declarations of personal wealth and access to declarations of personal wealth

Section 201

(1) The financial section of declarations of personal wealth made by judges shall be made out in three copies, and the financial section of family members' declaration of personal wealth shall be made out in two copies. Two copies of the financial section of declarations of personal wealth made by judges and one copy of the financial section of declarations of personal wealth made by family members shall be placed in separate sealed envelopes bearing the judge's registration number and given to the person exercising employer's rights. The third copy of the financial section of declarations of personal wealth made by judges and the second copy of the financial section of declarations of personal wealth made by family members shall be retained by the judge.

(2) The person exercising employer's rights shall issue a written receipt for the personal and financial sections of declarations of personal wealth.

(3) The person exercising employer's rights shall forward one of the sealed envelopes containing the financial section of the judge's declaration of personal wealth and the sealed envelope containing the financial section of the family member's declaration of personal wealth to the President of OBH. The sealed envelopes containing the financial sections shall be administered by the OBH.

(4) All documents relating to declarations of personal wealth must be stored separately from all other documents.

Section 202

(1) The OBH shall retain the sealed envelope containing the financial section of the judge's and family member's declaration of personal wealth, and the person exercising employer's rights shall retain the sealed envelope containing the personal section of the judge's and family member's declaration of personal wealth and the sealed envelope containing the financial section of the judge's declaration of personal wealth for a period of ten years, not exceeding the time of termination of the judge's service relationship. The OBH shall be authorized to process the data in the financial sections in electronic format as well. These computerized records may not be linked to other databases and may not be made available for purposes other than the relevant supervisory procedures. After the above-specified deadline, all of the records of the personal and financial sections of the judge's and family member's declaration of personal wealth shall be destroyed or, if they are in electronic format, deleted.

(2) Upon the termination of a shared household, the provisions of Subsection (1) shall apply as regards the data of the family member.

(3) The person exercising employer's rights shall be responsible for having the personal and financial sections of the judge's and family member's declaration of personal wealth destroyed, and - upon the expiry of the time limit for retaining declarations of personal wealth - shall forthwith request - accompanied by the registration number and the supplementary code - the OBH for having the financial sections it has on record returned. The OBH shall return the declarations of personal wealth within fifteen days following receipt of the request.

Section 203

(1) The declaration of personal wealth of a judge may be accessed by the judge himself and by the person exercising employer's rights, a declaration of personal wealth made by a family

member may be accessed by the family member of the judge who lives in the same household to the extent of his/her concern; the declarations of personal wealth made by judges and their family members may also be accessed by members of the OBT in the course of the verification procedure referred to in this Chapter and by the court of judges and/or the court if it pertains to a service dispute.

(2) The data in declarations of personal wealth may only be disclosed to third persons upon the prior written consent of the judge or, with regard to the data that pertain to them, the family members who live in the same household with the judge.

(3) The person exercising employer's rights and the OBT shall be held responsible for ensuring that all declarations of personal wealth are processed in accordance with the regulations on data protection and that the data they contain cannot be accessed by persons other than those specified in Subsections (1) and (2).

(4) A judge's declaration of personal wealth shall be returned when his service relationship is terminated. The section of the declaration of personal wealth that pertains to a family member shall be returned to the family member when a shared household is terminated.

(5) The President of OBH shall have the authority to decree the detailed regulations concerning the supply, processing and control of declarations of personal wealth and the protection of the data they contain.

74. Verification procedure

Section 204

Within sixty days from the date of receipt, the person exercising employer's rights shall, in the judge's presence, compare the judge's declaration of personal wealth with the most recent declaration of personal wealth on file. If the enrichment of the judge cannot be verified by the income from his service relationship or from any other legitimate source known to the employer, the person exercising employer's rights shall submit the case to the OBT for verification together with the sealed envelopes containing the personal sections of the declarations of personal wealth made by the judge and the judge's family members and the attached powers of attorney [Subsections (3) and (4) of Section 199] within fifteen days from the date on which the judge's declarations of personal wealth were compared. A report shall be made of the comparison, the hearing concerning the affair, and the verification procedure, and a copy of this report shall be given to the judge.

Section 205

(1) Only the OBT or a member it has nominated may conduct verification procedures.
(2) Where a verification procedure is initiated, the data contained in the personal section shall be matched against the data contained in the financial section and the two sections shall be aligned. Verification procedures shall be concluded within six months. Upon conclusion of the verification procedure, the alignment of the personal and financial sections shall be terminated, the envelope containing the data of the personal section shall be returned to the person exercising employer's rights, and all of the computer records of the personal section shall be deleted.

Section 206

(1) The purpose of verification is to determine the reason for any enrichment. The OBT or the member it has nominated is empowered to:

- a)²³³ interview the judge, those of his family members who live in the same household, and any other person, after informing them that they have the right to remain silent and not answer questions,
- b) appoint an expert,
- c) obtain information from other agencies and persons.

²³³ Established by Section 140 of Act CXXVII of 2019, effective as of 20 December 2019.

(2) The persons intended to be interviewed may not be compelled to comply. An attempt must be made to interview the judge. The agencies and persons from whom information has been requested shall comply in accordance with the laws applicable.

(3) The judge and those of his family members who live in the same household shall, to the extent of their concern, have the right to access the data obtained according to Subsection (2), regardless of the means by which they have been recorded.

(4) The data received under Subsection (2) shall be destroyed upon conclusion of the verification procedure unless a legal dispute or criminal proceeding has been initiated in connection with the judge's service relationship on the basis of the findings of the verification process.

Section 207

The OBT shall communicate the findings of the verification procedure to the person exercising employer's rights. The person exercising employer's rights shall notify the judge and the OBT of its decision and the reasons within fifteen days. A judge may seek remedy in court if he/she disagrees with the decision of the person exercising employer's rights that has been adopted on the basis of Paragraph *k*) of Section 90.

75. Provisions relating to the President of the Kúria (*Curia*) and the President of OBH

Section 208

(1) The provisions of Sections 197-207 shall apply to the President of the Kúria (*Curia*) and the President of OBH with the derogations provided for in Sections 209 and 210.

(2) The President of the Kúria and the President of OBH shall, within thirty days of his/her appointment, deliver to the Speaker of Parliament in a sealed envelope a copy of the personal and financial section of his declaration of personal wealth made out according to the model under Annex 4 to this Act. Administration of the sealed envelope shall be provided for by the Parliamentary Committee on Conflict of Interest (hereinafter referred to as "Parliamentary Committee").

(3) The declaration of personal wealth of the President of the Kúria and the President of OBH shall be returned when his/her mandate comes to an end. When shared household is terminated, the section of the declaration of personal wealth that pertains to the family member shall be returned.

Section 209

(1) Where a verification procedure is initiated, the data contained in the personal section shall be matched against the data contained in the financial section and the two sections shall be aligned. The alignment of the personal and financial sections shall be terminated when the verification procedure is concluded.

(2) The verification procedure shall be conducted by a panel of three chosen by random selection from members of the Parliamentary Committee. The Parliamentary Committee shall report to Parliament concerning the findings of the verification.

(3) Parliament shall function as the person exercising employer's rights with regard to declarations of personal wealth.

Section 210

The declaration of personal wealth of the President of the Kúria (*Curia*) and the President of OBH shall, with the exception of the identification data, be public information and as such shall be made public by the Speaker of Parliament. Declarations of personal wealth made by family members shall not be made available to the public.

76.²³⁴ Declarations of personal wealth of judges assigned to the Kúria, the OBH, the Ministry and to other bodies

Section 211²³⁵

The provisions of Sections 197-207 shall also apply to judges assigned to the Kúria (*Curia*), the OBH, the Ministry and to the relevant body, with the proviso that employer's rights are exercised by the President of the Kúria, the President of OBH, the minister in charge of the judicial system or the head of the relevant body.

CHAPTER XIV

LEGAL STATUS AND SALARY OF ASSOCIATE JUDGES

77. Legal status and selection of associate judges

Section 212

(1)²³⁶ Associate judge candidates shall be Hungarian citizens and shall be over the thirty years of age, they shall not be under guardianship or conservatorship or under the effect of advocated decision-making, they shall have no prior criminal record and shall not be deprived of civil rights.

(2) In addition to the requirements laid down in Subsection (1), associate judges of military tribunals adjudicating criminal charges under military law (hereinafter referred to as "military associate judge") shall serve in the professional staff of the Hungarian Armed Forces or the law enforcement agencies.

(3) Associate judges may not hold membership in any political party and may not engage in political activities.

(4)²³⁷ Section 41 and Subsections (1)-(3) of Section 42 shall apply to lay assessors *mutatis mutandis*.

Section 213

(1)²³⁸ Associate judges are nominated by Hungarian citizens of legal age, municipal governments and associations - other than political parties - residing or established within the area of jurisdiction of the court in question.

(2)²³⁹ In the criminal cases of juvenile offenders:

a) associate judges who are teachers shall be delegated by the faculties of the primary schools and secondary educational institutions located within the court's area of jurisdiction,

b) associate judges who are not teachers shall be delegated by associations - excluding political parties -, representative bodies of the respective trades, and organizations - currently or previously - employing them in the positions specified in Paragraph c) of Subsection (5) of Section 680 of the CP.

(3)²⁴⁰ Military associate judges - including the military associate judges who meet the requirements set out in Subsection (5) of Section 680 of the CP having regard to Subsection (4) of Section 698 of the CP - are delegated by the commanders of the competent units of the Hungarian Armed Forces or law enforcement agencies having regard to the recommendations made by local interest representation organizations.

²³⁴ Established by Section 141 of Act CXXVII of 2019, effective as of 1 April 2020.

²³⁵ Established by Section 141 of Act CXXVII of 2019, effective as of 1 April 2020.

²³⁶ Established by Subsection (15) of Section 127 of Act CCLII of 2013, effective as of 15 March 2014.

²³⁷ Enacted by Section 96 of Act CXXX of 2017, effective as of 1 January 2018.

²³⁸ Amended by Paragraph b) of Section 18 of Act CXXXI of 2013.

²³⁹ Established by Section 300 of Act CXCVII of 2017, effective as of 1 January 2018.

²⁴⁰ Established by Section 300 of Act CXCVII of 2017, effective as of 1 January 2018.

(4)²⁴¹ Associate judges for courts acting as labor courts are, in principle, delegated by employers' and employees' organizations.

Section 214

(1)²⁴² Candidates shall declare in writing whether they accept the office. Their statements shall indicate the candidate's name, place and date of birth, mother's name, home address, education, vocational skills, employment, name and address of the candidate's employer, the amount of absentee pay for a month, and the candidate's signature.

(2)²⁴³ Candidates shall provide a certificate of clean criminal record, without delay upon accepting the nomination, to verify of having no prior criminal record to the council of representatives having jurisdiction to elect associate judges. In the criminal cases of juvenile offenders, candidate associate judges who are not teachers are required to verify the particulars and facts required for the appointment to the council of representatives having jurisdiction to elect associate judges.

(3) In the event of failure to meet the obligation of verification under Subsection (2), the candidate may not be elected to the office of associate judge.

(4) The council of representatives having jurisdiction to elect associate judges shall be authorized to process the personal data referred to in Subsection (2) until the time of election of the candidate to the office of associate judge.

(5)²⁴⁴ With the exception set out in Subsection (6), any one candidate may be elected to the office of associate judge in one court only.

(6)²⁴⁵ A candidate military associate judge in the rank of general may be delegated to two or more courts to serve as military associate judge, irrespective of where he is stationed.

Section 215

(1)²⁴⁶ The associate judges of district courts shall be elected by the council of the municipal government or the local nationality self-government of the municipality where the court is seated, and the associate judges of general courts shall be elected by the competent county general assembly, the city council of Budapest or the council of the city with county rights, or council of the nationality self-government. The associate judges of district courts in the City of Budapest shall be elected by the council of the municipal governments or the local nationality self-governments located within the court's area of jurisdiction. In the case of district courts whose seat is located outside its area of jurisdiction, associate judges shall be elected by the competent county general assembly and the council of the regional nationality self-government.

(2) Military associate judges are elected by the meeting of staff officers of the proper rank.

Section 216

(1) Subject to the exception set out in Subsection (2) of Section 217, associate judges are elected for four-year terms.

(2) The election of associate judges is announced by the President of the Republic.

(3) The President of OBH shall determine the number of associate judges to be elected for any particular court.

²⁴¹ Established by Section 142 of Act CXXVII of 2019, effective as of 1 April 2020.

²⁴² Amended by Paragraph d) of Subsection (17) of Section 79 of Act LXXXVI of 2012.

²⁴³ Established by Subsection (1) of Section 301 of Act CXCVII of 2017, effective as of 1 January 2018.

²⁴⁴ Amended by Section 302 of Act CXCVII of 2017.

²⁴⁵ Enacted by Subsection (2) of Section 301 of Act CXCVII of 2017, effective as of 1 July 2018.

²⁴⁶ Amended by Section 12 of Act XXXII of 2015, Paragraph a) of Subsection (3) of Section 147 of Act CXXVII of 2019.

Section 217

- (1) The term of previously elected associate judges shall expire on the thirtieth day following the election of new associate judges.
- (2) If the associate judges are not elected at the time announced by the President of the Republic, the term of previously elected associate judges shall expire on the thirtieth day following the election of new associate judges.
- (3)²⁴⁷ If the number of associate judges in a district court is considered insufficient:
 - a) following the election of associate judges,
 - b) after the mandate of an associate judge ceases for any reason, or
 - c) in consequence of considerable increase in the caseload of the court,and it jeopardizes the functioning of the court, associate judges of a general court whose area of jurisdiction covers district court affected may be assigned by way of the rules set out by the president of general court for the purpose of substitution.
- (4) If the number of associate judges elected remains below the number set by the President of OBH, the President of OBH may table a request to the President of the Republic to announce a new date for the election of associate judges without delay.

Section 218

- (1) Elected associate judges shall take an oath prior to taking office.
- (2) The president of the court shall call up the associate judges in a predetermined sequence and delegate them to the adjudication panels.
- (3) The president of the court shall call a meeting to be attended by all of the associate judges at least once a year or more frequently when it is deemed necessary to discuss some urgent matters (meeting of associate judges).

Section 219

- (1) The president of the court shall have authority to request the associate judge in writing - indicating also the legal ramifications of non-compliance - during his/her term in office, to provide proof of having no prior criminal record within fifteen working days of the time of receipt of notice.
- (2)²⁴⁸ If upon the request referred to in Subsection (1) above the associate judge verifies that he/she has no prior criminal record, the court shall reimburse the administrative service fee the associate judge has paid for the procedure to obtain the certificate of clean criminal record from the body operating the penal register for the purpose of verification.
- (3) If the associate judge fails to satisfy the request specified in Subsection (1), the president of the court shall - once again - request the associate judge to provide proof of having no prior criminal record, indicating also the legal ramifications of non-compliance.
- (4) If:
 - a) the associate judge fails to discharge the obligation of verification within fifteen working days of the subsequent request made according Subsection (3), and if unable to verify that such failure is attributable to reasons beyond his/her control, or
 - b)²⁴⁹ the president of the court finds based on the certificate of clean criminal record made out by the body operating the penal register for the purpose of verification that the associate judge has prior criminal record,the president of the court shall request the council of representatives having elected the associate judge to remove the associate judge from office, and shall simultaneously notify the associate judge of having made the request for his/her termination.
- (5) Effective as of the day of notice under Subsection (4), the associate judge may no longer participate in judicature.

²⁴⁷ Established by Section 11 of Act XXXII of 2015. Amended by Paragraph b) of Subsection (3) of Section 147 of Act CXXVII of 2019.

²⁴⁸ Amended by Paragraph n) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

²⁴⁹ Amended by Paragraph n) of Subsection (25) of Section 12 of Act CCXLIII of 2013.

(6) The president judge and the council of representatives having elected the associate judge shall have authority to process the personal data referred to in Subsections (1)-(3) until the time the associate judge is removed from office.

78. Termination of the mandate of an associate judge

Section 220

(1) The mandate of an associate judge shall terminate:

- a) upon his/her death;
- b) at the end of his/her term;
- c) if either of the requirements set out in Subsection (1) of Section 212 are no longer satisfied;
- d) at the age of seventy;
- e) upon resignation;
- f) if the council of representatives having elected the associate judge recalls the associate judge in the case under Subsection (4) of Section 219.

(2) The mandate of a military associate judge shall end also if the judge is terminated from service for a reason other than retirement.

(3) An associate judge may resign his office in writing addressed to the council of representatives.

(4) The approval of the council of representatives is not required for the above-specified resignation to be effective.

(5) The council of representatives shall forthwith notify the president of the court affected about the resignation. Effective as of the day of resignation, the associate judge may no longer participate in judicature.

(6) In the cases described under Paragraphs c), d) and f) of Subsection (1), termination of an associate judge shall be declared by resolution of the council of representatives, of which the president of the court affected shall be informed without delay.

79. Remuneration of associate judges

Section 221

(1)²⁵⁰ Associate judges under contract of employment, or in government service, State service, public service or civil service relationship, service relationship of administrative staff of law enforcement bodies, legal relationship of army civilian personnel, in a service legal relationship within the framework of law enforcement bodies and organizations provided for in the Act on the Service Relation of the Professional Staff Members of Law Enforcement Bodies and Organizations, or in the Hungarian Armed Forces, furthermore, time spent in any other work-related contractual relationship (in a quasi-employment relationship at any cooperative society) shall be entitled to absentee pay for the duration of service as an associate judge.

(2) If eligibility for or the extent of any benefit provided for by statutory provision is rendered conditional upon specific performance or a specific number of days at work, the service time of associate judges shall be construed as working time.

(3) Any associate judge who is not engaged under any of the legal relationships defined in Subsection (1) above or who does not receive any salary (remuneration) for the time of service as an associate judge shall receive an honorarium. The honorarium shall be 25 per cent of a judge's salary base calculated for each working day in service as an associate judge.

(4) If the absentee pay referred to in Subsection (1) is less than the honorarium specified in Subsection (3) as proportionate, it shall be supplemented to the amount of the honorarium.

(5) Associate judges shall be reimbursed for the expenses incurred while on official assignment according to the rules applicable to judges.

(6)²⁵¹ Associate judges shall receive their salary and other payments as due under this Act and other legislation by way of transfer to the payment account of their choice or, in the

²⁵⁰ Established by Section 93 of Act LXIV of 2016. Amended by Paragraph c) of Section 47 of Act CXV of 2018.

²⁵¹ Enacted by Subsection (23) of Section 12 of Act CCXLIII of 2013, effective as of 1 January 2014.

absence of a payment account, by way of delivery of cash payment made from current account. The bank account subsidy provided to associate judges in connection with their payment account may not exceed the limit specified in the act on the central budget for the given month.

CHAPTER XV

CLOSING PROVISIONS

Section 222²⁵²

(1)²⁵³ For matters not covered by this Act relating to the service relationship of judges Section 6, Section 7, Section 9, Subsections (2) and (4) of Section 10, Section 12, Subsection (3) of Section 20, Subsections (1) and (3)-(7) of Section 22, Section 23, the first indent of the first sentence of Subsection (1), and Subsections (2), (3) and (4) of Section 24, Sections 25-28, Subsections (1) and (3)-(5) of Section 29, Subsection (4) of Section 45, Subsections (2) and (5) of Section 51, Subsections (1) and (3) of Section 55, Subsection (3) of Section 65, Subsection (4) of Section 70, Section 80, Subsections (2)-(4) of Section 93, Subsection (1) of Section 97, Subsections (1) and (5) of Section 102, Section 103, Subsection (1) of Section 104, Subsection (1) of Section 105, Subsection (5) of Section 113, Subsection (2) of Section 115, Subsections (1)-(3) of Section 118, Sections 120-121, Subsections (3)-(5) of Section 122, Subsections (1)-(4), Paragraphs *a*) and *b*) of Subsection (5), and Subsection (7) of Section 123, Sections 124-131, Subsections (1) and (2) of Section 133, Subsections (1)-(3) of Section 134, Sections 154-156, Subsection (1) of Section 157, Sections 160-164, Section 231, Section 270, Section 271, Subsections (2)-(9) of Section 272, the first indent of Subsection (1) and Subsections (2)-(5) of Section 274, Section 275, Section 286, Subsection (4) of Section 287, Paragraphs *c*), *d*), *g*) and *i*) of Subsection (1) and Subsection (2) of Section 294 of the Labor Code shall apply *mutatis mutandis*.

(2) Of the provisions of the Labor Code:

a) Subsection (2) of Section 29 shall apply *mutatis mutandis* with the derogation that instead of absentee pay the average salary shall be paid,

b)²⁵⁴ Subsection (6) of Section 123 shall apply with the derogation that the allocation of paid leave after the year in which it is due shall apply to one-fifth of vested and extra paid annual leave,

c) Subsection (1) of Section 135, and Paragraphs *e*)-*g*) of Subsection (1) of Section 165 shall apply *mutatis mutandis* with the derogation that no derogation by agreement of the parties is permitted,

d) Section 229 shall apply with the derogation that termination by notice shall be understood as resignation,

e) Sections 232-234 shall apply *mutatis mutandis* apart from the provisions applicable to works councils.

Section 223²⁵⁵

For matters not covered by this Act the provisions of the Act on the Legal Status of Soldiers shall also apply *mutatis mutandis* relating to the service relationship of judge advocates with the exception that eligibility of judge advocates for all types of salary and the anniversary premium, and disciplinary actions are governed in this Act only.

²⁵² Established by Subsection (14) of Section 79 of Act LXXXVI of 2012, effective as of 1 January 2013.

²⁵³ Established by Subsection (24) of Section 12 of Act CCXLIII of 2013. Amended by Paragraph *b*) of Subsection (16) of Section 127 of Act CCLII of 2013, Subsection (2) of Section 347 of Act XCIX of 2014, Paragraph *b*) of Section 11 of Act LXV of 2020.

²⁵⁴ Established by Subsection (2) of Section 6 of Act CIII of 2013, effective as of 1 August 2013.

²⁵⁵ Amended by Subsection (2) of Section 274 of Act CCV of 2012.

Section 224

As regards the decisions delegated by this Act under the competence of the President of the Republic, no endorsement is required.

Section 225

(1) The Government is hereby authorized to decree - following consultation with the President of OBH - the extra benefits provided to judges in long-term foreign service in addition to their salary under this Act.

(1a)²⁵⁶ The Government is hereby authorized to decree the regulations for the allocation of extra paid leave to the father upon the birth of a child.²⁵⁷

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

a) the criteria, methods, and procedure of examination for the professional aptitude test in agreement with the minister in charge of the healthcare system and following consultation with the President of OBH;

b) the rules relating to the identification documents of judges;

c) the detailed regulations for the public selection process for judgeships, the evaluation of applications for judicial offices, and the number of points to be awarded for the purpose of ranking, following consultation with the President of OBH.

Section 226

(1) This Act, with the exceptions set out in Subsections (2) and (3), shall enter into force on 1 January 2012.

(2) Paragraph *b*) of Subsection (2) of Section 173, and Section 178 of this Act shall enter into force on 1 January 2013.

(3) Paragraph *e*) of Section 233 of this Act shall enter into force on 8 March 2012.

Section 227

(1) As regards the former head of the Supreme Court in office before the time of entry into force of this Act the provisions of Act XXXIX of 2000 on the Remuneration and Benefits of the President of the Republic, the Prime Minister, the Speaker of Parliament, the President of the Constitutional Court and the Chief Justice of the Supreme Court shall apply in as much that he/she shall be entitled to the benefits provided for in Subsection (1) of Section 26 and Subsection (1) of Section 22 of Act XXXIX of 2000 on the Remuneration and Benefits of the President of the Republic, the Prime Minister, the Speaker of Parliament, the President of the Constitutional Court and the Chief Justice of the Supreme Court if having reached the retirement age before the time of entry into force of this Act and if having requested such benefits.

(2) The special benefit due for 2011 under Act LXVII of 1997 on the Legal Status and Remuneration of Judges shall be paid until 31 January 2012.

(3) As regards any judges whom are entitled to title premium after 1 January 2012 in accordance with Subsections (2) and (3) of Section 174 of this Act, such title premium shall be paid for the first time together with the salary due for the month of April of 2012. Any title premium that was not paid for the months of January, February and March of 2012 shall be paid together with the salary due for the month of April of 2012.

(4) The anniversary premium awarded having regard to Subsections (3)-(5) of Section 184 of this Act shall be paid for the first time by 31 January 2013.

(5)²⁵⁸ If a judge was granted special benefits under Act LXVII of 1997 on the Legal Status and Remuneration of Judges for any period serving as the basis for calculating the judge's average salary, such amount shall be taken into account when calculating the judge's average salary.

²⁵⁶ Enacted by Section 346 of Act XCIX of 2014, effective as of 1 January 2015.

²⁵⁷ See: Government Decree 351/2014 (XII. 29.) Korm.

²⁵⁸ Enacted by Subsection (15) of Section 79 of Act LXXXVI of 2012, effective as of 1 July 2012.

Section 228

(1) Any reference made in this Act to district court, district court executive and district court judge shall be construed until 31 December 2012 as municipal and district (collectively "local") court, municipal and district (collectively "local") executive and municipal and district (collectively "local") judge.

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

(3) Any reference made in this Act to deputy prosecutors shall be understood as persons employed before 1 January 2012 by public prosecution in clerkship.

Section 229

(1) Effective as of 1 January 2012 the assignment of a judge assigned to the OIT Office shall be construed as being assigned to OBH as provided for in the assignment order.

(2) Effective as of 1 January 2012 the assignment of a judge assigned to the Legfelsőbb Bíróság (*Supreme Court*) shall be construed as being assigned to the Kúria (*Curia*) as provided for in the assignment order.

(3) Effective as of 1 January 2012 the assignment of a judge assigned to the Ministry shall remain to be construed as being assigned to the Ministry as provided for in the assignment order.

(4) The public selection procedures opened under Act LXVII of 1997 on the Legal Status and Remuneration of Judges and still pending on 31 December 2011 shall be continued after 1 January 2012 without having to repeat any procedural steps already taken as part of the process, however, further measures required to complete the process shall be carried out in accordance with this Act. The public selection procedures opened for posts in a local court, labor court, county court, court of appeal or the Legfelsőbb Bíróság shall be construed as if opened for a post, respectively, in a local court, labor court, general court, court of appeal or the Kúria.

(5) The mandate of any member of the court of judges elected before 1 January 2012 shall be for the term specified at the time when elected.

Section 230²⁵⁹

Section 231

Subsection (3) of Section 25 shall apply to the time period of work performed in part-time employment after the time of Act CV of 2011 on the Amendments of Employment and Other Related Regulations for the Purpose of Approximation entering into force.

Section 232²⁶⁰

Within one year from the time of this Act entering into force, the OBT shall review the exemptions granted by the Országos Igazságszolgáltatási Tanács (*National Council of Justice*) under Subsection (5) of Section 24 of Act LXVII of 1997 on the Legal Status and Remuneration of Judges from the prohibition of use of the codecision procedure.

Section 232/A²⁶¹

In the application of Subsection (2) of Section 174, court of appeal and general court service time shall include after 1 January 2013 any service time of a former court of appeal or general

²⁵⁹ Annulled by Constitutional Court Resolution No. 33/2012 (VII. 17.) AB with retroactive effect to the date of entry into force. As regards unenforceable amendments refer to Subsection (16) of Section 79 of Act LXXXVI of 2012 and Section 27 of Act CXI of 2012.

²⁶⁰ Amended by Paragraph e) of Section 28 of Act CXI of 2012.

²⁶¹ Enacted by Subsection (2) of Section 77 of Act CCXI of 2012, effective as of 1 January 2013.

court judge who was transferred to general court or administrative and labor court at the time of establishment of administrative and labor courts, having regard to the Act on the Organization and Administration of Courts.

Section 232/B²⁶²

(1) Paragraph *i*) of Subsection (2) of Section 4 of this Act, established by Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary, shall apply as of 1 January 2023. Until 31 December 2022, Subsection (2) of this Section shall apply in place of Paragraph *i*) of Subsection (2) of Section 4. The provisions set out in Subsection (2) shall apply to the selection procedures in progress at the time of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary entering into force.

(2) Any person over the age limit specified in Section 232/C may not be appointed to serve as a judge.

Section 232/C²⁶³

Section 91 of this Act, established by Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary, shall apply as of 1 January 2023. Up to 31 December 2022 the age limit provided for in Article 26(2) of the Fundamental Law shall be construed as follows:

- a) 70 years of age for judges born before 1 January 1945;
- b) 69 years of age, plus 183 days for judges born in 1945 or 1946;
- c) 69 years of age for judges born in 1947 or 1948;
- d) 68 years of age, plus 183 days for judges born in 1949 or 1950;
- e) 68 years of age for judges born in 1951;
- f) 67 years of age, plus 183 days for judges born in 1952;
- g) 67 years of age for judges born in 1953;
- h) 66 years of age, plus 183 days for judges born in 1954;
- i) 66 years of age for judges born in 1955;
- j) 65 years of age, plus 183 days for judges born in 1956;
- k) 65 years of age for judges born in 1957.

Section 232/D²⁶⁴

(1) Having regard to judges in active service relationship, the deadline prescribed in Subsection (6) of Section 40 of this Act, established by Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary, for eliminating the cause of conflict of interest shall be calculated from the time of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary entering into force.

(2) Paragraph *h*) of Subsection (2) of Section 4 of this Act, established by Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary, shall also apply to the public selection procedures in progress at the time of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary entering into force.

(3) Subsections (3)-(7) of Section 145 of this Act, established by Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary, shall also apply to cases in progress at the time of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary entering into force.

Section 232/E²⁶⁵

If a judge did not ask to be relieved under Subparagraph *hb*) of Section 90, he/she may request the President of OBH to be placed on the reserve roster after reaching the retirement

²⁶² Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

²⁶³ Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

²⁶⁴ Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

²⁶⁵ Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

age of entitlement for old-age pension benefits under the social security system under Subsection (1) of Section 18 of the SSPA, while retaining his/her service relationship as a judge.

Section 232/F²⁶⁶

The provisions of this Act shall apply to judges placed on the reserve service roster with the derogations provided for in Sections 232/G-232/I.

Section 232/G²⁶⁷

(1) Judges placed on the reserve service roster shall be installed in the reserve roster of the court of his/her last posting. With the exception set out in Section 232/H, judges placed on the reserve service roster shall not perform judicial activities. Judges placed on the reserve service roster may not function as a court executive, and may not have a seat in the chamber of judges or court of judges. Judges placed on the reserve service roster shall be entitled to keep their previous title indicating their judicial ranking, other title achieved or awarded, or any reference made to his/her previous executive office with the prefix “placed on reserve”.

(2) With the exception set out in Subsection (3) of Section 232/I, judges placed on the reserve service roster shall not be entitled to vested and extra paid annual leave, nor to unpaid leave.

(3) With the exception set out in Subsection (2) of Section 232/I, judges placed on the reserve service roster shall be entitled to receive the difference between 80 per cent of his/her salary received directly before being placed on reserve, excluding executive bonus, and his/her pension payment. Judges placed on the reserve service roster shall be given anniversary premium up to sixty-five years of age. Judges placed on the reserve service roster are not entitled to “cafeteria” benefits.

(4) Judges placed on the reserve service roster shall be required to report any circumstances that may have an impact on their relationship and position.

Section 232/H²⁶⁸

(1) Judges placed on the reserve service roster may be tasked by the President of OBH ex officio or upon request made by the president of the court affected or by the judge him/herself to perform judicial functions for the reasons specified in Subsection (4), at three-year intervals, for up to two years at a time, at the court of his/her last posting or any other court if his/her home is within a distance of daily commute, furthermore, for performing administrative duties in the OBH if his/her home is within a distance of daily commute. For an assignment to perform administrative duties the judge’s consent is required.

(2) If the expected duration of being placed on the reserve service roster is less than three years, the duration of assignment referred to in Subsection (1) shall be reduced proportionately.

(3) Assignment to perform judicial functions or administrative duties (hereinafter referred to as “work assignment”) shall be delivered in writing to the judge affected at least thirty days in advance, indicating the reason for the work assignment, the place where assigned to, the date of commencement and the duration of work. The duration of work assignment may be altered upon the judge’s request or upon his/her prior consent.

(4) The work assignment referred to in Subsection (1) may be ordered:

- a) with a view to reducing an excessive backlog of cases,
- b) for the replacement of long-term absentee judges,
- c) for serving as court mediators,
- d) in times of state of distress or state of emergency,
- e) for performing central administration duties.

²⁶⁶ Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

²⁶⁷ Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

²⁶⁸ Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

(5) Judges assigned to judicature from the reserve service roster may attend the plenary session of judges, and may partake in the work of the appropriate college according to his/her posting in the Kúria (*Curia*), court of appeal or general court in an advisory capacity.

(6) In the case of judges placed on the reserve service roster:

a) Paragraph *h*) of Subsection (2) of Section 4,

b) Subsection (6) of Section 40,

c) Section 68,

shall not apply.

Section 232/I²⁶⁹

(1) A judge placed on the reserve service roster may be assigned to work past two years or for any duration in excess of two years inside a three-year period repeatedly or in excess of the period prescribed in Subsection (2) of Section 232/H only upon his/her consent. A judge may not be assigned to work six months before the age limit specified in Section 232/C.

(2) A judge assigned to work shall be entitled to receive the difference between his/her salary received directly before being placed on reserve, excluding executive bonus, and his/her pension payment, and also the expenses incurred in performing such work.

(3) A judge assigned to work, if the duration of work reaches one year, shall be entitled to twenty days of paid annual leave. If the duration of work is less than one year, the duration of paid annual leave shall be reduced accordingly.

(4) Any period of incapacity for work during the period of work assignment shall be added to the duration of work assignment. The period of incapacity for work shall be remunerated according to Subsection (3) of Section 232/G.

Section 232/J²⁷⁰

(1) If a judge was removed under Subparagraph *ha*) of Section 90, that was later annulled by Constitutional Court Resolution No. 33/2012 (VII. 17.) AB, the judge shall inform the President of OBH within thirty days from the date of entry into force of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary whether he/she wishes to be reinstated to his/her judicial office. The thirty-day deadline shall apply with prejudice.

(2) If the judge requested to be reinstated to his/her judicial office as provided for in Subsection (1), the President of OBH shall implement further measures as required by law, and shall take action for having any unpaid salary (other emoluments) - including the executive bonus due for the duration of fixed-term court executive appointment - that may be owed to the judge compensated. The executive bonus due for the duration of fixed-term court executive appointment, that was not paid up to the time of reinstatement shall be paid in full at the time of reinstatement; the executive bonus due after the time of reinstatement for a fixed-term court executive appointment shall be paid incorporated into the monthly remuneration, covering also any executive bonus that may be due otherwise. Where Section 232/E is opted, the part of the executive bonus due for the duration of fixed-term court executive appointment, that was not paid by the time of reinstatement shall be compensated. The portion of salary (other emoluments) or damages recovered elsewhere, or should have been recovered given reasonable care, shall neither be reimbursed nor compensated. The judge shall be provided further employment at the last place of posting before removed from office. If the service relationship of a judge, also functioning as the president of chamber, is unlawfully terminated, his/her presidency shall be reinstated as well.

(3) If a judge was removed under Subparagraph *ha*) of Section 90, that was later annulled by Constitutional Court Resolution No. 33/2012 (VII. 17.) AB, and that judge asked to be reinstated to his/her judicial office as provided for in Subsection (1), and if the executive office from which he/she was removed is not yet occupied at the time of submission of the request, he/she shall be reinstated to that executive office upon request. The term of such executive office shall be the same when first appointed. If reinstated into the previous executive post,

²⁶⁹ Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

²⁷⁰ Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

the executive bonus referred to in Subsection (2) shall be provided up to the time of reinstatement.

(4) If the judge asked to be reinstated to his/her previous judicial office, and if the judge has already been reinstated to his/her judgeship by final court ruling before the time of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary entering into force, the provisions of Section 232/E shall apply *mutatis mutandis*. If the judge asked to be reinstated to his/her previous judicial office, the request made under Subsection (1) hereof shall also cover the requirements set out in Section 232/E.

(5) If the judge who was removed under Subparagraph *ha*) of Section 90, that was later annulled by Constitutional Court Resolution No. 33/2012 (VII. 17.) AB, contested such decision in court and was subsequently reinstated by final court ruling, the request provided for in Section 232/E shall be made within thirty days following the time of entry into force of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary. If the court is yet to decide any matter ancillary to the proceedings by final ruling, the President of OBH shall take measures for the compensations under Subsection (2). The judge reinstated by final ruling may submit a statement within thirty days from the time of entry into force of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary requesting the omission of reinstatement, or to be relieved in accordance with Subparagraph *hb*) of Section 90. In that case Subsection (6) shall apply *mutatis mutandis* with the proviso that if the court already ruled in matters ancillary to the proceedings before the payment of lump-sum compensation, any compensation awarded by such final ruling shall be added to the amount of the lump-sum compensation. In the event of dismissal the discharge period shall be one month, with the proviso that no exemption from work duty may be granted.

(6) If the judge did not ask in the request provided for in Subsection (1) to be reinstated to his/her judicial office, the President of OBH shall take action for the payment of compensation in the amount of twelve months salary. Any other claim the judge may have for damages shall be enforced before the court.

(7) Any person who reached the age limit provided for in Paragraph *a*) of Section 232/C before the time of entry into force of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary or will reach said age limit within six months following the time of entry into force of Act XX of 2013 on the Amendment of Regulations Related to the Upper Age Limit in the Judiciary may not be reinstated to his/her judicial office based on the request made under Subsection (1) hereof, instead the President of OBH shall take action for the payment of a lump-sum compensation provided for in Subsection (6) hereof. Any other claim the judge may have for damages shall be enforced before the court.

Section 232/K²⁷¹

(1) If a judge who was relieved from office under Subparagraph *ha*) of Section 90, that was later annulled by Constitutional Court Resolution No. 33/2012 (VII. 17.) AB, is to be reinstated in accordance with Section 232/J, the President of the Republic shall re-appoint the judge in question for a fixed or unfixed term as before the time of dismissal.

(2) In the case under Subsection (1) the President of OBH shall, before submitting the recommendation for appointment, verify compliance with the requirements for appointment. If the recommendation for appointment is presented within three months from the time of termination of the judge's service relationship or judicial service relationship, the person nominated for the post shall not be required to produce the certificate provided for in Paragraph *b*) of Subsection (1) of Section 12. The person nominated for the post shall not be required to produce the certificate provided for in Paragraph *c*) of Subsection (1) of Section 12.

²⁷¹ Enacted by Section 25 of Act XX of 2013, effective as of 2 April 2013.

Section 232/L²⁷²

If a judge was elected by Parliament as a member of the Alkotmánybíróság (*Constitutional Court*) before the date of entry into force of Act CXXVII of 2019 on the Amendment of Certain Acts in Connection with Setting Up the Regime of Single Level Proceedings of District Offices, but did not take up his duties at the time of entry into force of Act CXXVII of 2019 on the Amendment of Certain Acts in Connection with Setting Up the Regime of Single Level Proceedings of District Offices, Subsection (1a) of Section 88 of Act CXXVII of 2019 on the Amendment of Certain Acts in Connection with Setting Up the Regime of Single Level Proceedings of District Offices shall apply with the derogation that the judge's service relationship shall be suspended until his or her membership in the Alkotmánybíróság terminates, except for the case provided for in Subsection (3) of Section 96.

Section 232/M²⁷³

The President of the Kúria (*Curia*) in office on 1 January 2020 shall be entitled - until the end of his or her term - to personal protection, covering official and private programs alike, in accordance with the legislation on protection granted to protected persons and designated establishments.

Section 232/N²⁷⁴

(1) A member of the administrative and labor regional college may request, by means of a statement addressed to the President of OBH, to be transferred to the general court of competence for administrative actions, whose lawful area of jurisdiction covers the area of jurisdiction of the court of the judge's posting. A member of the administrative and labor regional college whose service relationship is not with the general court of competence for administrative actions, may request, by means of a statement addressed to the President of OBH, to be transferred to any general court of competence for administrative actions of his or her discretion. A member of the administrative and labor college of the Fővárosi Törvényszék (*Budapest Metropolitan Court*) may request, by means of a statement addressed to the President of OBH, to be transferred to any general court of competence for administrative actions of his or her discretion. A general court judge with at least two years of experience in sentencing at a supreme court, curia or court of appeal, who is a member of the administrative and labor college of the Fővárosi Törvényszék, may request, by means of a statement addressed to the President of OBH, to be transferred to the Kúria or any general court of competence for administrative actions of his or her discretion. Said statement shall be delivered - through the proper official channels - to the President of OBH at the latest by 20 February 2020.

(2) After making the statement in compliance with the requirements set out in Subsection (1) the President of OBH shall assign the judge to the general court of competence for administrative actions effective as of 1 April 2020. If the judge does not have the delegation referred to in Subsection (1) of Section 30, the President of OBH shall at the time of assignment, delegate the judge to serve as an administrative law judge. The judge shall become a member of the appropriate college according to his or her posting.

(3) If the judge provided for in Subsection (1) did not make a statement, his or her judge's service relationship shall remain unaltered, with the proviso that a sentencing judge of the administrative and labor court shall be assigned by the president of the general court by 10 March 2020 to the general court of his or her previous posting with effect from 1 April 2020. If the judge does not have the delegation required for hearing labor cases, the president of the general court shall at the time of assignment, make a recommendation according to Subsection (1a) of Section 30 to the President of OBH for assignment. The judge shall become a member of the appropriate college according to his or her posting.

²⁷² Enacted by Subsection (1) of Section 143 of Act CXXVII of 2019, effective as of 20 December 2019.

²⁷³ Enacted by Subsection (1) of Section 143 of Act CXXVII of 2019, effective as of 20 December 2019.

²⁷⁴ Enacted by Subsection (2) of Section 143 of Act CXXVII of 2019, effective as of 1 January 2020.

(4) In the case provided for in Subsections (1)-(3), judges delegated to hear labor cases, and judges delegated to hear administrative cases, the delegation of such judges shall be reviewed by 30 September 2020 by the president of the general court affected and the president of the court of appeal affected and shall make a recommendation to the President of OBH for maintaining or for terminating such delegation. If the assignment changes as provided in Subsection (2) or (3), the delegation of a judge existing on the deadline for making the statement provided for in Subsection (1) shall remain in effect pursuant to Subsection (8) of Section 30 until the deadline for review.

(5) After 1 January 2020 the President of OBH shall determine the number of judges required and may publish a notice of vacancy for filling the judicial offices for hearing labor cases in the court of appeal that may not be later than 31 January 2020 on the first occasion following the date of entry into force of Act CXXVII of 2019 on the Amendment of Certain Acts in Connection with Setting Up the Regime of Single Level Proceedings of District Offices. Applications shall be submitted to the president of court of appeal by the deadline prescribed in the notice of vacancy.

(6) Until the labor colleges of courts of appeal are set up, the opinion of a professional body composed of the relevant president of court of appeal, head of the civil college, and until 31 March 2020 the judges of the Administrative and Labor College of the Kúria hearing labor cases according to the case distribution rules, from 1 April 2020 judges hearing labor cases according to the case distribution rules of the Kúria shall be taken into consideration, collegiate opinion, in the evaluation of applications submitted for the labor colleges.

(7) Judges holding the title of "Honorable High Court Judge" on the day preceding the date of entry into force of Act CXXVII of 2019 on the Amendment of Certain Acts in Connection with Setting Up the Regime of Single Level Proceedings of District Offices, and are entitled to use the title of high court judge, and to the corresponding remuneration under Subsection (7) of Section 197 of Act CLXI of 2011 on the Organization and Administration of the Courts shall be able to retain his or her title and shall be entitled to the corresponding remuneration from the date of entry into force of Act CXXVII of 2019 on the Amendment of Certain Acts in Connection with Setting Up the Regime of Single Level Proceedings of District Offices, depending on his or her rank, except if given a title drawing higher remuneration or if assigned to the Kúria as judge.

Section 232/O²⁷⁵

(1) The provision established by Act CXXVII of 2019 on the Amendment of Certain Acts in Connection with Setting Up the Regime of Single Level Proceedings of District Offices governing the term of mandate of judges sitting on the court of judges shall also apply to judges assigned to the court of judges on 31 December 2019, except if the judge concerned requests by 31 January 2020 to end his or her assignment to the court of judges until the term of his or her first appointment.

(2) The assignment of judges assigned to the court of judges on 31 March 2020 shall not be affected by new posting ensuing the cessation of administrative and labor courts.

Section 232/P²⁷⁶

Pursuant to Subsection (2) of Section 172 established by Act CXXVII of 2019 on the Amendment of Certain Acts in Connection with Setting Up the Regime of Single Level Proceedings of District Offices the starting date of the service time of judges shall be re-established ex officio by 30 June 2020. Judges shall be entitled to the salary determined based on the newly established starting date of service time retroactively, from 1 January 2020.

²⁷⁵ Enacted by Subsection (2) of Section 143 of Act CXXVII of 2019, effective as of 1 January 2020.

²⁷⁶ Enacted by Subsection (2) of Section 143 of Act CXXVII of 2019, effective as of 1 January 2020.

Section 232/Q²⁷⁷

Associate judges delegated to administrative and labor courts before 1 April 2020 shall serve as associate judges from 1 April 2020 at the general court whose area of jurisdiction covered the administrative and labor court in question. In other respects cessation of the administrative and labor court shall not affect the legal status of associate judges.

Section 233

This Act serves the purpose of compliance with:

- a) Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC;
- b) Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC;
- c) Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP;
- d) Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organization of working time;
- e) Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC;
- f)²⁷⁸ Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship;
- g)²⁷⁹ Council Directive (EU) 2017/1852 of 10 October 2017 on tax dispute resolution mechanisms in the European Union [Subsection (5) of Section 40].

*Sections 234-235²⁸⁰**Section 236*

- (1)-(3)²⁸¹
- (4)²⁸²

Section 237

(1)²⁸³ Subtitles 1-4, Chapter III, Subtitles 19-22, Subtitles 25-30, Chapters V-X, Chapter XII, Chapter XIII, Section 223, Section 224, Sections 232/L-232/Q, and Section 236 of this Act shall be considered cardinal pursuant to Article 25(8) and Article 26(1) and (2) of the Fundamental Law.

(2) The abbreviated form this Act shall be referred to in other legislation as "Judges Act".

*Annex 1 to Act CLXII of 2011****Contents of the Personnel Records of Judges***

1. Personal information:

- a) registration number;
- b) name (including maiden name where applicable);
- c) place and date of birth;

²⁷⁷ Enacted by Subsection (2) of Section 143 of Act CXXVII of 2019, effective as of 1 January 2020.

²⁷⁸ Enacted by Subsection (3) of Section 77 of Act CCXI of 2012, effective as of 1 January 2013.

²⁷⁹ Enacted by Section 144 of Act CXXVII of 2019, effective as of 20 December 2019.

²⁸⁰ Repealed by Subsection (4) of Section 236 of the same Act, effective as of 2 January 2012.

²⁸¹ Repealed under Section 12 of Act CXXX of 2010, effective as of 2 January 2012.

²⁸² Repealed by Section 12 of Act CXXX of 2010, effective as of 3 January 2012.

²⁸³ The passage and Sections 226-233 abolished by Section 2 of Constitutional Court Resolution No. 13/2013 (VI. 17.) AB. Amended by Paragraph c) of Section 18 of Act CXXXI of 2013, Paragraphs b), c) of Subsection (2) of Section 146 of Act CXXVII of 2019.

- d) mother's name;
- e) home address;
- f) marital status;
- g) spouse's name;
- h) children's names and dates of birth.

2. Skills and education:

- a) education (if more than one, indicate all);
- b) description and date of examinations and classes;
- c) vocational skills;
- d) indicate any courses currently attended;
- e) the academic degree;
- f) command of languages;
- g) grade in compulsory education and participation in facultative trainings.

3. Military occupational specialty number, military rank.

4. Particulars of judge's service relationship:

- a) date of appointment;
- b) beginning of imputed service time;
- c) description of activities and employment whose duration is included in the service time, commencement and termination dates, positions (jobs) and the reasons for termination of the imputed legal relations;
- d) number and date of certificate of clean criminal record;
- e) service places (first and last day of service);
- f) positions (first and last day of service);
- g) authorization for use of electronic signature (first and last day);
- h) executive positions (first and last day in office);
- i) specialties (first and last day);
- j) FEOR number.

5. Salary:

- a) indicate pay grade, the amount of salary and the date of classification, date of the upcoming automatic advancement;
- b) type and amount of special duty allowance;
- c) type and amount of executive bonus;
- d) type and amount of other benefits;
- e) total earnings.

6. Type and amount of any anniversary premium, other remuneration, description and amount, and other particulars of benefits and allowances received during the year.

7. Description of any other gainful activity.

8. Date of previous evaluations and overall rating.

9. Type of decorations and other awards and the dates when received.

10. Information concerning any disciplinary penalty currently in effect.

11. Reasons for any leaves of absence and their duration.

12. Legal grounds for and the date of termination of service relationship, information on any severance pay.

Note: The registration number of a judge indicates his/her place of service and position and it is for identification inside the place of service.

Annex 2 to Act CLXII of 2011²⁸⁴**Judges' pay grades and index numbers for determining basic salary**

	A	B
1.	Pay grades	Index numbers
2.	1.	1.25
3.	2.	1.35
4.	3.	1.45
5.	4.	1.55
6.	5.	1.65
7.	6.	1.70
8.	7.	1.75
9.	8.	1.80
10.	9.	1.85
11.	10.	1.90
12.	11.	1.95
13.	12.	2.00
14.	13.	2.05
15.	14.	2.10

Annex 3 to Act CLXII of 2011²⁸⁵**Executive positions and the related bonuses in percentage of the judge's salary base**

	A	B
1.	Description	Percentage
2.	Head of college and secretary-general, Kúria	200
3.	Deputy head of college and deputy secretary-general, Kúria President, court of appeal President, Fővárosi Törvényszék	150
4.	President of chamber, Kúria Vice-president, court of appeal President, general court	120
5.	Head of college, court of appeal Vice-president, Fővárosi Törvényszék	100
6.	Deputy head of college, court of appeal	80
7.	Head of college, Fővárosi Törvényszék Vice-president, general court	70
8.	President, major district court	60
9.	President of chamber, court of appeal	50
10.	Deputy head of college, Fővárosi Törvényszék Head of college, general court	45
11.	Deputy head of college, general court Head of group, general court Vice-president, major district court President, smaller district court	40
12.	Deputy head of group, general court President of chamber, general court Head of group, major district court	30
13.	Deputy head of group, major district court Vice-president, smaller district court	25

²⁸⁴ Established by Subsection (1) of Section 145, Annex 5 of Act CXXVII of 2019, effective as of 1 January 2020.

²⁸⁵ Established by Subsection (2) of Section 145, Annex 6 of Act CXXVII of 2019, effective as of 1 January 2020.

Annex 4 to Act CLXII of 2011

DECLARATION OF PERSONAL WEALTH

PERSONAL SECTION

Particulars of Declarant

The judge's
name:

.....
date of birth: place of birth:

.....
mother's name:

.....
address of permanent residence:

.....
employer's name and address:

.....
registration number: □□ □□□□

The judge's spouse or domestic partner living in the same household
name:

.....
date of birth: place of birth:

.....
mother's name:

.....
address of permanent residence:

The judge's dependant children living in the same household
name:

.....
date of birth: place of birth:

.....
mother's name:

.....
address of permanent residence:

□□ □□□□

(registration number)

FINANCIAL SECTION

Part I

Declarant's annual income: year HUF

..... year HUF

..... year HUF

Part II

Assets

A) Real estate

1. Residential home and land (or permanent or long-term right of use, beneficial ownership):

a) address: city/town street No.

net floor space or area: m2, percentage of ownership:

date and title of acquisition:

.....

.....

b) address: city/town street No.

net floor space or area: m2, percentage of ownership:

date and title of acquisition:

.....

.....

c) address: city/town street No.

net floor space or area: m2, percentage of ownership:

date and title of acquisition:

.....

2. Vacation home and land (or permanent or long-term right of use, beneficial ownership):

a) address: city/town street No.

net floor space or area: m2, percentage of ownership:

date and title of acquisition:

.....

.....

b) address: city/town street No.

net floor space or area: m2, percentage of ownership:

date and title of acquisition:

.....

.....

c) address: city/town street No.

net floor space or area: m2, percentage of ownership:

date and title of acquisition:

.....

.....

3. Other non-residential building or building section (or permanent right of use, beneficial ownership):

a) description (structure erected on a limited-use parcel, shop, store, studio, medical office, garage etc):

address: city/town street No.

net floor space or area: m2, percentage of ownership:

.....

date and title of acquisition:

.....

b) description:

address: city/town street No.

net floor space or area: m2, percentage of ownership:

.....

date and title of acquisition:

.....

c) description:

address: city/town street No.

net floor space or area: m2, percentage of ownership:

.....

date and title of acquisition:

.....

d) description:

address: city/town street No.

net floor space or area: m2, percentage of ownership:

.....

date and title of acquisition:

.....

4. Agricultural land (or permanent right of use, beneficial ownership):

a) name:

address: city/town lot number, net floor

space or area: m2,

agricultural zoning: percentage of ownership:

.....

date and title of acquisition:

.....

.....

b) description:

address: city/town lot number, net floor

space or area: m2,

agricultural zoning: percentage of ownership:

.....

date and title of acquisition:

.....

.....

c) description:

address: city/town lot number, net floor

space or area: m2,

agricultural zoning: percentage of ownership:

.....

date and title of acquisition:

.....

.....

.....

 d) description:
 address: city/town lot number, net floor
 space or area: m2,
 agricultural zoning: percentage of ownership:

 date and title of acquisition:

B) Major assets

1. Vehicles:

a) passenger cars: model
 registration plate number
 date and title of acquisition:

 model
 registration plate number
 date and title of acquisition:

 model
 registration plate number
 date and title of acquisition:

b) truck, bus: model registration plate
 number
 date and title of acquisition:

 model
 registration plate number
 date and title of acquisition:

 model
 registration plate number
 date and title of acquisition:

2. Protected works of art and collector's items:

a) works of art:

..... artist title registration
 number
 date and title of acquisition:

 artist title registration
 number
 date and title of acquisition:

 artist title registration
 number
 date and title of acquisition:

b) collector's items

..... description ea registration
 number
 date and title of acquisition:

 description ea registration
 number
 date and title of acquisition:

 description ea registration
 number
 date and title of acquisition:

3. Other assets valued at least ten times of the prevailing basic salary of public officials per piece or set (collector's items):

a) description
 identification data
 date and title of acquisition:

 b) description
 identification data
 date and title of acquisition:

 c) description
 identification data
 date and title of acquisition:

 d) description
 identification data
 date and title of acquisition:

 e) description
 identification data
 date and title of acquisition:

4. Savings in securities (shares, bonds, cooperative shares, treasury notes, share notes etc):

..... description serial number
 value
 description serial number
 value
 description serial number
 value
 description serial number
 value
 description serial number
 value

5. Savings accounts:

..... financial institution deposit book number
 amount
 financial institution deposit book number
 amount
 financial institution deposit book number
 amount
 financial institution deposit book number
 amount

..... financial institution deposit book number
 amount

6. Cash over ten times of the prevailing basic salary of public officials:

..... HUF

7. Funds available in bank accounts at financial institutions and other accounts over ten times of the prevailing basic salary of public officials:

..... financial institution account number
 amount
 financial institution account number
 amount
 financial institution account number
 amount
 financial institution account number
 amount
 financial institution account number
 amount

Type of account	Name and address of the obligor	Account balance	Contract (receivables)	
			date of opening	date of expiry

8. Other assets of considerable value to be disclosed, if valued in total over ten times of the prevailing basic salary of public officials:

..... description
 identification data
 description
 identification data
 description
 identification data
 description
 identification data
 description
 identification data

Part III

Please indicate any outstanding debt to financial institutions or private individuals

1. To financial institutions:

Description of credit	Amount owed	Date	
		when borrowed	of expiry

III.

- 1. company registration number:
- 2. name of business association, legal form:
- 3. address:
- 4. type of involvement (owner, shareholder, general partner or limited partner in a limited partnership etc):
- 5. initial percentage of interest:%
- 6. current percentage of interest:%
- 7. share of profits:%
- 8. office held in the business association:

IV.

- 1. company registration number:
- 2. name of business association, legal form:
- 3. address:
- 4. type of involvement (owner, shareholder, general partner or limited partner in a limited partnership etc):
- 5. initial percentage of interest:%
- 6. current percentage of interest:%
- 7. share of profits:%
- 8. office held in the business association:

V.

- 1. company registration number:
- 2. name of business association, legal form:
- 3. address:
- 4. type of involvement (owner, shareholder, general partner or limited partner in a limited partnership etc):
- 5. initial percentage of interest:%
- 6. current percentage of interest:%
- 7. share of profits:%
- 8. office held in the business association:

Done at on day month year

.....
signature

(only on the employer's copy)

Annex 5 to Act CLXII of 2011

Faculties considered in connection with applications and the evaluation of judges

Faculties considered in connection with applications and the evaluation of judges:

1. decision making ability,
2. ability to cooperate,
3. analytical thinking,
4. foresight,
5. discipline,
6. accountability,
7. resolve,
8. exaction,
9. integrity,
10. communication,
11. conflict handling skills,
12. creativity,
13. self-assurance, confidence,
14. independence,
15. problem analysis and observation skills,
16. problem solving skills,
17. use of knowledge,
18. organization and planning skills,
19. communication skills verbally and in writing,
20. objectivity.

Annex 6 to Act CLXII of 2011²⁸⁶

²⁸⁶ Repealed by Subsection (4) of Section 236 of the same Act, effective as of 2 January 2012.