
**BALKAN NETWORK TEMPLATE NATIONAL OFFICE FOR THE JUDICIARY OF
HUNGARY**

HUNGARY

Official name in original language	Országos Bírósági Hivatal
Official name in English	National Office for the Judiciary
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Brief history (300-400 character)	<p>The justice system created by the reform of 1997, which entrusted the National Council of Justice as a self-governing body with the administration of courts, did not exist then and is still non-existent elsewhere in Europe. As a natural consequence of management performed by a body, the decisions of the NCJ were influenced by particular interests and no operability could be achieved: problems that had to be addressed swiftly could remain unsolved for months. This is why the new regulations introduced on 1 January 2011 and on 1 March 2011 deprived NCJ of many of its rights and delegated them into the competence of the president of NCJ. 16-20 new rights were added to the original 7-10 rights of the president of NCJ.</p> <p>The rules coming into effect on January 1st, 2012 divided the powers into two groups. The task of central administration of courts is performed by the President of the NOJ, supported by deputies and the Office. The administrative work of the NOJ's President is supervised by the National Judicial Council (NJC).</p> <p>The president of NOJ shall keep the competences of the president of the National Judicial Council, and further rights are also vested on the president in order to secure operability. To mention some of the latter, the right to issue regulations, resolutions and recommendations is a right usually exercised by the heads of the institutions with a national scope of competence. The president of NOJ shall bear a serious personal responsibility for the central administration and for its effective operation, i.e. to perform the president's duties – as enshrined in the Act of Parliament – with due regard to the constitutional principle of judicial independence.</p>
Legal acts regulating the Status of the Organization	The Fundamental Law of Hungary Article 25 and Act CLXI of 2011 on the Organization and Administration of the Courts

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Composition
(Generally)

The NOJ is a central budgetary agency that manages its own financial affairs. The NOJ is seated in Budapest.

The NOJ is directed by the President of NOJ.

The NOJ:

a) shall prepare the decisions of the President of NOJ and shall provide for their implementation, and shall perform administration functions for National Judicial Council;

b) shall represent the NOJ and the judiciary in court proceedings;

c) shall operate the central register of judges, and shall process the financial section of the financial disclosure statements of the judges; and

d) shall discharge other duties conferred under its competence by law.

1. Total number of members:

The NOJ in an office. It is lead by the president.

2. Term of office of the members

n/a.

3. Election process:

Election of the President of NOJ

The President of NOJ shall be elected by Parliament from among the judges appointed for an indefinite period of time who served at least five years as a judge. The President of OBH may not be re-elected.

The President of the Republic shall make a recommendation for the President of NOJ within three months before the previous presidents mandate expires, at the latest on the forty-fifth day before the previous presidents mandate expires.

If the mandate of the President of NOJ is terminated, the President of the Republic shall make a recommendation for the President of NOJ within thirty days.

The candidate shall be heard by the Parliaments Judicial Committee. Any candidate who is renominated by the President of the Republic after an unsuccessful election shall not be heard again.

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

4. Is there a possibility to be renewed as a member?

N.a.

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5. Do the members have a full-time position or not?
The president has full-time position.

Is there a majority of Judges?

n.a.

**Presidency
(Generally)**

Role of the President

see below

Main Competences of the President:

The President of NOJ, in his overall central administration responsibility:

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

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

c) shall represent the courts;

The President of NOJ in his function related to the management of NOJ:

a) shall direct the activities of NOJ;

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

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

The President of NOJ in his function related to the budget of courts:

a) shall prepare a proposal for the budget for courts following consultation with the OBT having regard to the court chapter of the act on the central budget and the OBT, and with the President of the Kúria having regard to the Kúria (Curia), including a presentation of their opinion, and shall prepare a report for the implementation thereof, and the Government shall present this proposal to Parliament unaltered, as part of the bill on the act on the central budget and the bill on the act for the implementation thereof;

b) shall be invited to participate in the Government meetings and meetings of the Parliament Budget Committee debating the budget

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chapter on the judiciary of the bill on the act on the central budget and the bill on the act for the implementation thereof;

- c) shall perform the functions of the head of the body vested with powers to control the chapter having regard to the judiciary chapter of the act on the central budget, with the understanding that the interim budget appropriations of the Kúria may be transferred with the agreement of the President of the Kúria to the budgetary agencies under the same chapter, excluding the transfers required in connection with any changes in the staff headcount of budgetary agencies;
- d) shall manage the funds allocated under the judiciary chapter;
- e) shall oversee the internal control of the courts;
- f) shall define the annual amount of cafeteria benefits in collaboration with the interest representation bodies; and
- g) shall lay down the detailed conditions for and the amount of other benefits in collaboration with the interest representation bodies.

The President of NOJ in his function related to collecting statistics, case allocation and workload assessment:

- a) shall define the headcount of judiciary and judicial staff of courts based on the staff headcount set out in the budget chapter on the judiciary of the act on the central budget, and on the average national workload indices for contentious and non-contentious proceedings, in the case of general courts headcount is to be combined with the administrative and labor courts and district courts located in their area of jurisdiction;
- b) shall define the main duties relating to the collection and processing of statistical data in the judicial system; and
- c) shall devise and, if necessary, annually review the data sheet and methods for the assessment of the workload of judges, review at least once a year the charts on workloads and case load statistics at the national level, and shall define the national workload for contentious and non-contentious proceedings broken down according to judicial level and case types.

The President of NOJ in his function related to the administration of the courts:

- a) shall approve the organizational and operational regulations of courts of appeal and general courts;
- b) shall direct and supervise the administrative activities of president judges - other than the president judges of district courts and administrative and labor courts -, including the monitoring of compliance with the provisions concerning the governance of the judiciary, administrative time limits and regulations, and conducting investigations and inspections in that respect;
- c) shall perform the examination of court executives falling within his appointment authority; and
- d) shall take the measures falling within his authority and which are deemed necessary based on its findings under Paragraphs b) and c) and supervise their implementation, and may initiate the opening of disciplinary proceedings.

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The President of NOJ in his function related to information:

- a) shall inform the NJC semi-annually on its activities;
- b) shall inform the President of the Kúria, and the presidents of courts of appeal and general courts annually on its activities;
- c) shall report annually to Parliament on the overall situation of the judiciary and on the administrative activities of the courts, and also to the Parliaments Judicial Committee once in between the yearly reports;
- d) shall provide for the publication of the *Bírósági Határozatok Gyűjteménye* (Register of Court Decisions);
- e) shall order - at the request of the minister in charge of the judicial system - the collection of data at the courts required for the preparation of legislation and for monitoring the enforcement of law; and
- f) shall provide information - at the request of the minister in charge of the judicial system - relating to the organization and administration of courts and on issues related to judicial practices to the extent necessary for legislation purposes, upon obtaining the opinions of the courts where deemed necessary.

The President of NOJ in his other functions:

- a) shall execute the functions relating to the financial disclosure statements submitted by the president judges of courts of appeal and county courts;
- b) shall recommend to the NJC the award of the title of honorable general court judge, honorable high court judge, honorable Curia judge, Curia counselor if the decision lies with the NJC according to the Act on the Legal Status and Remuneration of Judges, or the title of principal counselor or counselor in the case of judicial staff, as well as the award of any decoration, citation, merit or plaque, furthermore, if the President of NOJ is delegated by the Act on the Legal Status and Remuneration of Judges for awarding titles, shall decide on the award of the title of honorable general court judge, honorable high court judge, honorable Curia judge or Curia counselor;
- c) provide for the exercise of rights of interest representation bodies; and
- d) discharge other duties conferred under his competence by law.

1. Career of judges and/or prosecutors:

The President of NOJ in his function related to staff issues:

- a) shall publish tender notices to fill vacant positions of judges;
- b) shall make recommendations to the President of the Republic for the appointment and dismissal of judges;
- c) shall assign the judge - in the case provided for in the Act on the Legal Status and Remuneration of Judges - initially to the court indicated in the application;
- d) shall assign judge advocates to military tribunals and to other judicial offices when their professional service relation with the Hungarian Army ends;
- e) shall assign - in accordance with the Act on the Legal Status

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and Remuneration of Judges - judges for hearing the cases and the judges serving as court mediators, and, by recommendation of the president of the general court, the judges hearing administrative and labor cases in the general court, and shall, furthermore, decide on the withdrawal of appointment as provided for in the Act on the Legal Status and Remuneration of Judges;

f) may assign a judge to the Kúria, the NOJ, and to the ministry directed by the minister in charge of the judicial system, and shall decide on the withdrawal of such assignment and transfer the judge back to his original judicial office;

g) shall decide on the transfer of judges;

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

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

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

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

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

2. Judicial training:

The President of NOJ in his function related to training:

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

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

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

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

3. Discipline: n.a.

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4. Ethics: n.a.

5. Opinions on legislation/other opinions:

The President of the NOJ

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

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

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

6. Others:

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

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

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

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

The President of NOJ shall publish a press release on his public-interest decisions.

**Status of decisions
(Opinion, authorization,
recommendation,
decision)**

**Supervision
(Transparency)**

1. Over the Council: n.a.

2. Over the decisions:

Judges may challenge regulations introduced by the President of NOJ by way of constitutional complaint submitted to the

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Constitutional Court if the conditions set out in the Act on the Constitutional Court for lodging a constitutional complaint are satisfied.

The decisions adopted by the President of NOJ related to staff issues, affecting the service relationship of a judge may be challenged by that judge before the administrative and labor court, except if the dispute arising in connection with the service relationship falls within the jurisdiction of the court of judges.

International relations

1. Global relations:

2. Regional relations:

Member of Balkan and Euro-Mediterranean Network of Councils for the Judiciary
European Judicial Network
European Judicial Training Network

3. Bilateral relations:

Bavarian-Hungarian Joint Committee

Ongoing projects

1. With the European Union:

2. Regional:

3. Internal: