



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Response questionnaire project group Timeliness

Országos Igazságszolgáltatási Tanács (Hungary)

1.1. The judicial system of Hungary

According to the Constitution of the Republic of Hungary justice shall be administered by the Supreme Court of the Republic of Hungary, the regional courts of appeal, the Metropolitan Court of Budapest, the county, local and labour courts.

The 111 local courts are the courts of general competence. 105 out of them are functioning in several cities of the country, 6 operate in different districts of Budapest, the capital. There are altogether 20 second instance (county) courts in Hungary, one in each county and one in Budapest (Metropolitan Court). These courts mainly decide on the appeals lodged against the decisions of the local courts. Furthermore they adjudge cases on the first instance. The procedural laws determine those particularly complicated legal disputes, which shall be decided by the county courts on first instance (e.g.: property cases of more than 20.000 €). The county (Metropolitan) courts serve as courts of business register as well. In Hungary there are no special administrative courts, therefore county courts decide on first instance on the appeals against the decision of the

administrative authorities. With few exceptions these decisions can not be appealed. At the seats of all county (Metropolitan) courts labour courts are operating on the same level as the local courts. The second instance courts in labour cases are the county (Metropolitan) courts.

Since 2003 five regional courts of appeal have been operating. These regional courts of appeal are fulfilling their tasks as courts of appeal having general competence, ruling on the appeals submitted against the decision of the county courts delivered as first instance courts.

The Supreme Court shall adjudge the legal remedy submitted against the decision of the county court or the regional court in the cases set forth by an Act, and the petitions for review. The petitions for review can only be submitted in the case of breach of laws. Furthermore the Supreme Court adopts an obligatory uniformity decision applicable to the courts.

1.2. Statistics

Number of litigious cases in 2009 in Hungary					
Types of cases		Pending cases on 1 January 2009	Incoming cases	Resolved cases	Pending cases on 31 December 2009
Local courts	Penal	50 920	73 458	73 386	50 992
	Civil	66 772	161 082	157 771	70 083
	Commercial	8 358	17 329	16 750	8 937
	Labour	12 199	25 075	24 306	12 968
	Misdemeanour	14 661	87 667	86 922	15 406
	Total	152 910	364 611	359 135	158 386
County courts on second instance	Penal	5 043	11 633	12 056	4 620
	Civil	5 180	17 847	17 845	5 182
	Commercial	814	2 492	2 692	614
	Labour	1 168	3 240	3 033	1 375
	Misdemeanour	19	588	581	26
	Total	12 224	35 800	36 207	11 817
County courts on first instance	Penal	1 427	1 459	1 493	1 393
	Military	256	512	452	316
	Civil	10 458	13 841	13 412	10 887
	Commercial	4 074	5 414	5 529	3 959
	Administrative	6 230	13 496	12 775	6 951
	Total	22 445	34 722	33 661	23 506

Regional courts of appeal	Penal 2nd instance	313	695	672	336
	Penal 3rd instance	46	129	109	66
	Military	34	116	108	42
	Civil	1 411	3 446	3 757	1 100
	Commercial	460	1 336	1 291	505
	Administrative	169	583	566	186
	Total	2 433	6 305	6 503	2 235
Supreme Court	Civil	781	2 385	2 254	918
	Commercial	145	411	437	119
	Labour	1 016	1 201	1 168	1 049
	Administrative	1 152	1 551	1 763	934
	Penal	195	1 152	1 189	158
	Total	3 289	6 700	6 811	3 178

1.3.

Average duration of finished litigious cases in 2009 in Hungary										
Cases		Duration								
		0 - 3 months	3 - 6 months	6 - 12 months	1 - 2 years	2 - 3 years	over 3 years	Total	Average duration (days)	Average duration (months)
Local courts	Civil	63 116	446 894	31 173	13 520	3 227	2 051	559 981	151	5,0
	Commercial	5 532	4 383	3 916	2 023	567	329	16 750	234	7,7
	Penal	25 950	13 388	14 274	12 225	4 675	2 874	73 386	291	9,6
	Misdemeanour	67 811	13 455	4 697	886	73	-	86 922	77	2,5
	Labour	7 652	7 233	6 057	2 484	545	335	24 306	215	7,1
County courts on first instance	Civil	4 518	2 359	2 477	2 225	1 009	824	13 412	325	10,7
	Commercial	1 631	1 028	1 079	923	436	432	5 529	352	11,6
	Administrative	4 480	3 351	3 224	1 348	272	100	12 775	206	6,8
	Penal	304	287	327	314	148	113	1 493	394	13,0
	Military	231	61	100	45	8	7	452	190	6,3
County courts on second instance	Civil	9 738	4 442	2 932	701	26	6	17 845	125	4,1
	Commercial	1 352	641	644	50	5	0	2 692	131	4,3
	Penal	3 957	4 272	3 116	477	18	3	11 843	158	5,2
	Misdemeanour	577	2	2	0	0	-	581	46	1,5
	Labour	1 363	826	749	89	6	0	3 033	141	4,6
Regional courts of appeal	Civil	1 449	1 770	470	63	3	2	3 757	125	4,1
	Commercial	475	564	221	29	2	0	1 291	135	4,4
	Administrative	195	304	58	5	3	1	566	128	4,2
	Penal 2 nd instance	201	245	144	80	2	0	672	188	6,2

	Penal 3rd instance	38	40	23	8	0	0	109	162	5,3
	Military	38	64	5	0	1	0	108	117	3,8
Supreme Court	Civil	94	24	8	0	0	0	126	76	2,5
	Commercial	39	7	1	0	0	0	47	63	2,1
	Administrative	15	13	2	0	0	0	30	99	3,3
	Penal	244	12	4	0	0	0	260	53	1,7
	Military	2	5	2	0	0	0	9	145	4,8

2.1.

The Office of the National Council of Justice (ONCJ) fulfils central tasks concerning the collection of judicial statistical data, processes and analyses monthly the results of statistical data provisions of the courts and informs the presidents of the courts. The ONCJ prepares half-year summarising reports to the National Council of Justice (NCJ).

The basic elements of these reports are the following: number of incoming, finished and pending cases. The Office publishes data on the number of cases managed by one judicial panel (on the local courts generally one judge, on the second instance a panel consisting of three judges). The statistics cover the average number of cases trialled by one panel per day, the number of finished and pending cases at the end of each month.

Special analysis is made about the duration of the cases based on the following criteria: cases finished in 30 days, 3 and 6 months, 6 and 12 months, 1 and 2 years, 2 and 3 years. There are special analysing reports about the number of cases finished over 3 and even 5 years.

The reports show the deviations of the different courts from the national average and the tendencies of the given year.

2.2.

The statistical data are published permanently on the web site of the courts of Hungary (The website contains information in English and in German as well.) The presidents of the courts are informed monthly about the results of statistical data provisions. The NCJ publishes and forwards to each judge the monthly Court Bulletin. In this Bulletin the national statistical data are published twice a year.

2.3.

The settling deadline of the cases is accessible for all judges taking part in the case and for their employers as well. Within the courts of Hungary a unified judicial IT system is operating (BIIR). This allows the judge to check at any time the arrival dates of the cases to be managed by him or her, the data of these cases based on the duration of the settling of the dispute. In this way the judge can control at any time whether he or she has pending cases arrived to the court over 1 year, if yes, how many. In his or her PC the judge can follow the actions that have been taken in these cases.

The president of the court could reach the above mentioned data about the cases that are administered by the judge working in the given court. The NCJ and its Office have no direct access to these data, the statistical reports are made based on the data published monthly by the county

(Metropolitan) courts and the regional courts of appeal operating as separate administrative units.

2.4.

The legislative branch intends to prescribe deadlines for the settling of specific cases, e.g: the timeframe for deciding on a company registry petition submitted electronically is 1 hour; the timeframe for deciding on a petition for review in an administrative case is 120 days. In criminal cases the ruling on the deadlines for delivering the cases is more frequent based on other reasons.

2.5.

Default in keeping the deadline – if the deadline was determined by one of the procedural codes – could lead to the ascertainment of the disciplinary responsibility of the judge. One of the typical states of affairs in disciplinary cases is the default in keeping the deadline ordered for passing the judgement in written form.

The NCJ deals at least twice a year with the available administrative tools in order to decrease the number of the cases that need longer time for delivering judgement. Based on these evaluations the NCJ decided on the temporary transfer of judges having less workload at the regional courts of appeal to deal with cases of second instance at the county courts.

It is a general practice that the presidents of the county courts order to transfer one or two judges depending on the need to the court where the delivering of the judgments on time seems not to be kept.

The NCJ examines separately the statistical data of the central region, namely the Municipal Court of Budapest and the biggest county court, the County Court of Pest operating in the capital as well and brings often decisions to support these courts (e.g.: hiring new employees was recently allowed only in these two courts).

The procedural laws allow the parties to present an objection if the case was not finished in reasonable time. This objection might be judged by the respective court, or if this court could not fill the request, by the court of one instance higher.

The president of the court – in special cases the Council – can order to manage the case out of turn upon the request of the parties or ex officio. The president of the court should control this action in the given case every three month. In this capacity the Council orders the management out of turn in all those cases where more than 5 years have been passed since the arrival of the request (statement of claim, indictment) to the court.

One of the central issues of the training of the judges managed by the Council is the timely case management. The Council seeks not only the administrative but also the professional solutions of this problem.

The courts – in this regard the Council particularly – upon the request of the legislative power makes proposals regularly how the procedural rules can be modified in order to promote the easier and faster case management. It is another question that according the determined

conceptual opinion of the Supreme Court of Hungary an overall re-regulation of the procedural laws would be necessary.

The Code of Civil Procedure contains a special regulation for that event when the requirement of the timely management of the case within a reasonable time has been violated. In this case the party can submit a claim against the given court and could request an adequate compensation.

2.6.

The complaints being submitted to the presidents of the court deal in great number with the protraction of the procedures. The presidents of the courts must examine these complains and give answer to them according to the related regulation. In case of a grounded complain the out of turn procedure could be decided or rarely the disciplinary procedure could be launched. The courts must make reports annually on the management of the complaints.

2.7. No

3.1.

It is not typical that the modification of the procedural rules would narrow the circle of those cases where appeal can be submitted. However it is the determined intention of the legislative power – supported by the courts – to restrict the possibilities of the submission of an appeal. It means that the issue of a second instance procedure could be only the question of law and not the statement of the facts. Concerning the second instance procedure the procedural law increases the number of those

cases that can be judged without holding a trial. But upon the request of the parties trial must be held.

The Council makes every effort to make the mediation more popular and that the procedural rules promote the use of mediation for example with the reduction of court fees.

In the past years, especially the courts of the central region have been charged with order for payment cases. From the 1st of July 2010 orders for payment are issued by the public notaries.

4.1.

The Council and the judiciary generally promote the legislative endeavours to set or reduce deadlines for the procedural actions, mainly if the amendments force the parties to deal more actively. However the Council and the judiciary do not promote those legislative endeavours which set final deadline for finishing the case.

The Council launched a project that aims the proportional workload among the courts and judges. Based on an already tested scoring system we try to measure the work and time demand of the cases handled by one judge.

In the long term we expect that with the setting up of this system we will be able to show upon objective criteria concerning the eventual staff surplus of courts. Based on the results of this system the transfer of judges from one court to another could be executed.

In Hungary the employment of judicial clerks has been recently started. With some exceptions the judicial clerks are entitled to act autonomously under the supervision of the judge. Therefore the judges could be relieved from their administrative duties by employing (not necessarily law-) graduated judicial clerks.

In Hungary the courts employ law-graduated colleagues who after the three years traineeship period pass a special legal qualification exam (bar exam). Some of them prepare themselves for the judicial profession, while the others choose to remain life-long in this position and manage cases independently determined by law (e.g.: company registry cases, misdemeanour cases).

4.4.

In the framework of the National Development Plan of Hungary for the years 2007-2013 the National Council of Justice has submitted several project proposals to the National Development Agency that aim the improvement of the capacity of courts. Projects are currently being carried out in the fields of further electrification of the company registry procedures, the insolvency cases, the register of NGOs and the persons under guardianship.

The Hungarian Judicial Academy (HJA) being established in 2006 performs its continuous training programme based on the recent developments of the national and European law. Furthermore the HJA is organising soft-skill training activities (communication, psychology, handling of pressure, etc.) for judges and court clerks.

The network of European law advisers has been operating since 1999 based on the decision of the Council. In Hungary 60 senior judges besides their original judicial activity have the task to improve the knowledge of European law of the judges by advising, informing and training them.

5.1.

The Council is currently dealing with the issue of the so-called mega-cases (cases with a huge number of defendants, claimants, witnesses, victims), which are very complex and especially hard to hear. We are examining the topics of the staff, facilities, financial tools, eventually the special courts required to hear these cases.

Number of staff of the Hungarian judiciary				
30 September 2010				
Court	Judges	Court secretaries	Trainee judges	Court clerks and other judicial employees
Supreme Court	90	13	1	207
Budapest High Court of Appeal	82	9	14	99
Debrecen High Court of Appeal	24	10	0	34
Győr High Court of Appeal	18	6	0	29
Pécs High Court of Appeal	15	3	0	30
Szeged High Court of Appeal	21	3	0	36
Metropolitan Court of Budapest	749	157	71	1650
Baranya County Court	94	18	7	245
Bács-Kiskun County Court	124	33	14	339
Békés County Court	85	16	9	222
Borsod-Abaúj-Zemplén County Court	172	29	20	438
Csongrád County Court	104	31	3	275
Fejér County Court	85	20	8	205
Győr-Moson-Sopron County Court	86	15	12	214
Hajdú-Bihar County Court	128	26	15	321
Heves County Court	72	10	10	180
Jász-Nagykun-Szolnok County Court	86	14	9	206
Komárom-Esztergom County Court	76	15	6	184
Nógrád County Court	51	15	3	156
Pest County Court	260	48	27	585
Somogy County Court	87	20	7	250
Szabolcs-Szatmár-Bereg County Court	122	30	12	290
Tolna County Court	57	13	4	148
Vas County Court	47	10	5	145
Veszprém County Court	80	16	7	211
Zala County Court	71	12	4	174
Office of the National Council of Justice	26	0	0	146
Total	2912	592	268	7019