

**Prosecutor General's Report
on Activities of the Prosecution Service
in 2020**
(extract)



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1. The Prosecution Service

The bases of the operation of the Prosecution Service are primarily contained by the Fundamental Law of Hungary and by cardinal acts concerning the Prosecution Service, more specifically by Act CLXIII of 2011 on the Prosecution Service (hereinafter referred to as the Prosecution Service Act/PSA) and Act CLXIV of 2011 on the Status of the Prosecutor General, Prosecutors and Other Prosecution Employees and the Prosecution Career (hereinafter referred to as the Prosecutorial Employment and Career Act/PECA).

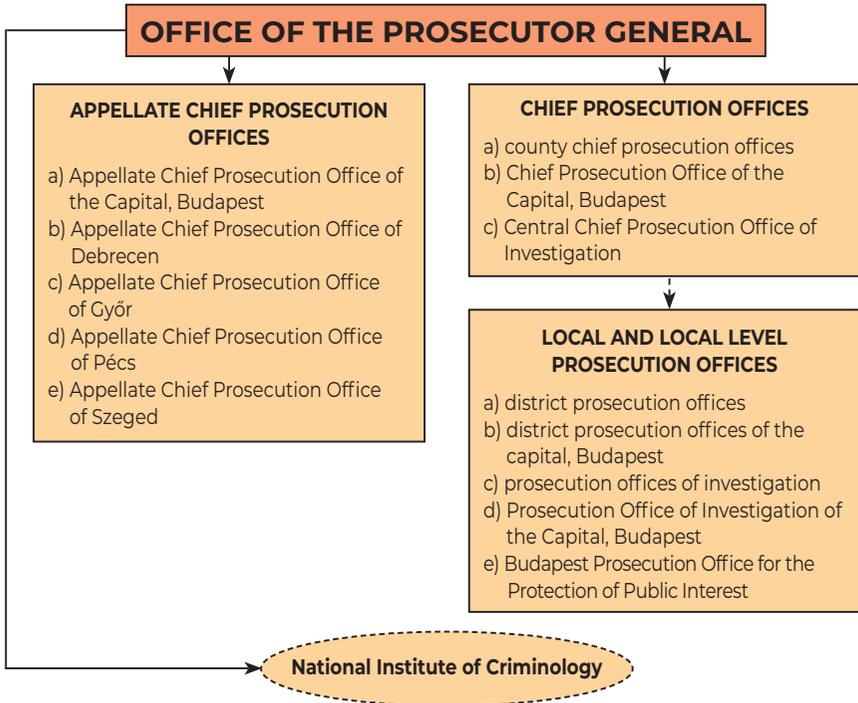
On 15 February 2020, the organizational structure of the Office of the Prosecutor General changed at several points, including:

- Due to the appreciation of the importance of communication activities, the Communication and Press Department was separated from the Cabinet.

- In the Department for Priority, Corruption and Organized Crime Cases, the Division of Cybercrime Cases was set up with the merging of two divisions, so there are still two divisions in the department.

The structure of the Prosecution Service in the concerned period is shown in the following figure:

Organizational Structure of the Prosecution Service



2. Activities of the Prosecution Service in the field of criminal law

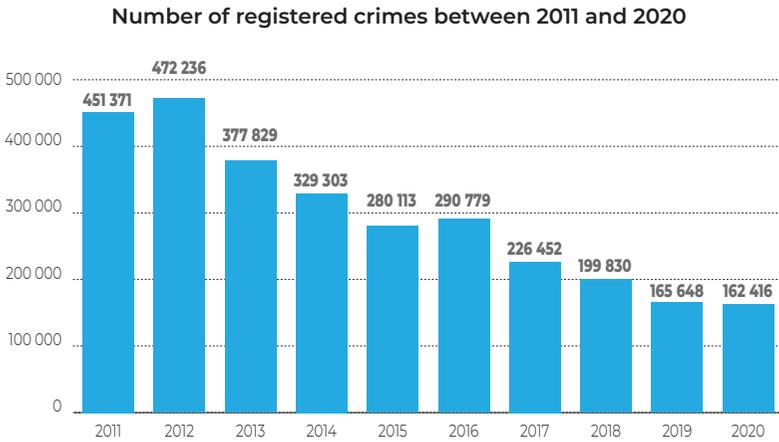
Supervision and direction of investigations and investigations conducted by the Prosecution Service

Main statistics on criminality

The number of the registered cases awaiting to be processed in the field of criminal law was continuously decreasing from 2012 until 2017. However, in the period following the entry into force

on 1 July 2018 of Act XC of 2017 on the Criminal Procedure Code (hereinafter referred to as CPC), especially in 2019, the number of cases awaiting to be processed by the Prosecution Service increased by hundreds of thousands.

The decreasing tendency experienced from 2013 relating to the number of registered crimes continued last year as well, but to a much lesser extent, by less than 2%. The following diagram displays the changes of the last ten years:



Compared to 2019, the number of registered perpetrators increased; in 2020, 77,552 perpetrators were registered.

Information about main data of certain crimes is presented by the following table:

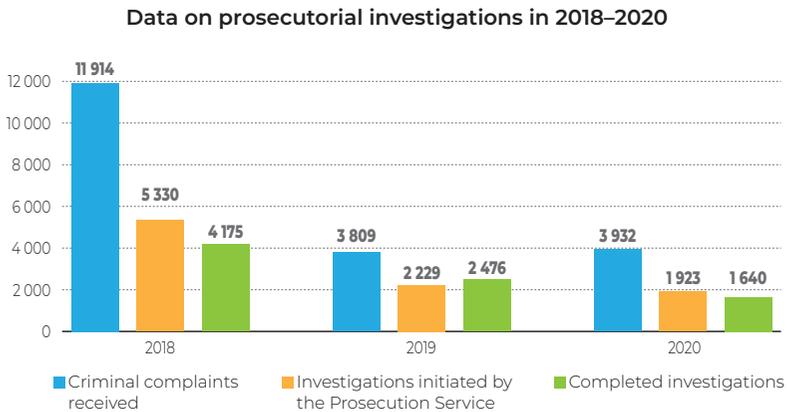
Number of certain registered crimes in 2018–2020

Crimes	2018	2019	2020
Completed intentional homicide	84	60	81
Attempted homicide	60	57	90
Theft	62 349	55 059	48 627
Fraud	19 180	14 350	12 026
Robbery	710	637	616
Infringement of copyright and certain rights related to copyright	953	106	79
Offences against traffic regulations	20 922	18 458	18 975
Driving under the influence of alcohol	16 008	13 773	13 589
Causing a road accident through negligence	2 706	2 436	2 753
Human smugglings	215	90	257
Assault on a public official and on a person entrusted with public functions and assault on a person aiding a public official or a person entrusted with public functions	756	564	684
Crimes against the judicial system	2 637	1 449	1 641
Public nuisance	9 386	8 587	8 570
Crimes related to official documents	19 876	13 758	15 287
Drug abuse crimes	8 146	6 566	6 518
Corruption crimes	2 046	460	2 049
Bribery of public official	1 653	242	1 978
Economic bribery	146	115	38
Counterfeiting currency	587	451	274
Forgery of stamps	91	200	17
Crimes in connection with cash-substitute payment instruments	3 651	1 771	3 219
Budget fraud	1 749	1 503	1 061
Fraudulent bankruptcy	207	126	107
Money laundering	259	188	308
Breach of information system or data	562	587	830
Compromising or defrauding the integrity of the computer protection system or device	9	38	25
Environmental offences	32	19	23
Damaging the natural environment	450	165	59
Violation of waste management regulation	372	402	474
Military offences	452	199	297

Prosecutorial Investigations

The CPC did not change the earlier legal regulation according to which the Prosecution Service itself may also conduct investigations into any case, and the investigation of certain crimes exclusively belongs to the competence of the Prosecution Service.

The following diagram presents changes of some important data on prosecutorial investigations:



It is a priority task for the Chief Prosecution Office of Investigation to deal with the fight against corruption, which has become more significant since the new criminal procedure code entered into force, as the investigation of corruption crimes regarding officials was moved into the exclusive competence of the Prosecution Service.

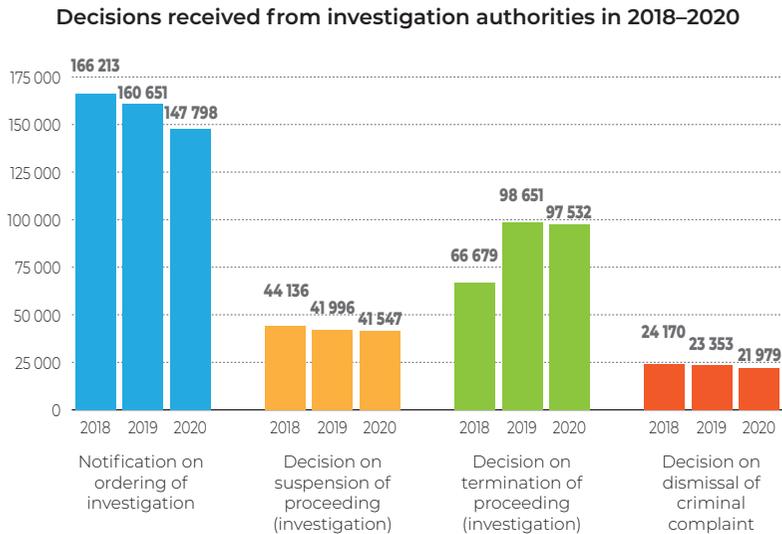
Supervision and direction of the investigation

Powers of the Prosecution Service in the criminal procedure changed with the entry into force of the CPC on 1 July 2018 depending on whether the investigation is in its initial detecting stage (detection) or is already conducted against a reasonably suspected person (examination).

The divided investigation system has also changed the relationship between the Prosecution Service and the investigating authority.

Detection can be characterized by entire independence of the investigating authority under prosecutorial supervision of legality, whereas the examination phase of the investigation controlled by the Prosecution Service aims at a decision on the indictment of a specific person and other prosecutorial measures, and the collection of the necessary evidence for this purpose.

The following diagram shows the number of decisions received from investigation authorities:



Last year, the Prosecution Service received a total number of 308,856 decisions as indicated in the diagram (2019: 324,651). It supervised on the merit altogether 161,058 cases including the cases carried over from the previous year.

Government Decree 74/2020 (III. 31.) on procedural measures to apply during emergency situation (hereinafter: Procedural Decree), then Act LVIII of 2020 on transitional rules after the cessation of the emergency situation and on epidemiological alert (hereinafter: the Removal Act) allowed the Prosecution Service and the investigating authority to suspend the proceedings for a maximum of six months if the continuation of the proceedings is not possible due to the rules of epidemiological isolation, surveillance, quarantine or control. This rule was not applicable in proceedings against a defendant subject to a coercive measure involving deprivation of liberty. For this reason, the investigating authority suspended the proceedings in 125 cases, the Prosecution Service in 6 cases.

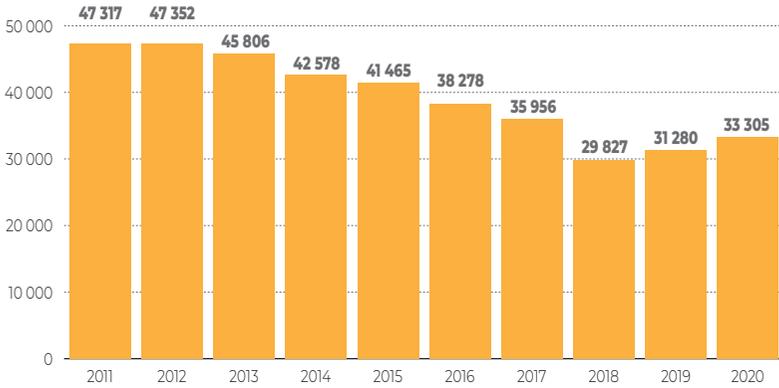
The reason for the decrease in the number of the supervised cases can be found in the regulations introduced by the CPC. Before 1 July 2018 the Prosecution Service had the possibility to change or repeal a decision or to give instruction for making a new decision at any phase of the investigation.

The CPC ensured such a wide range of rights – until 31 December 2020 - only in the examination phase of the investigation but in the detection phase the Prosecution Service had only the right to repeal the decision violating the law or to warn the investigating authority to remedy the detected illegality. In 2020, in the detection phase the Prosecution Service had no possibility to change the decision.

According to the rules of handling complaints, the Prosecution Service is entitled to decide on the complaint, if the decision was made by the investigating authority, and the superior prosecution office is entitled to decide on the complaint, if the decision was made by the Prosecution Service. Complaint is a one-level tool; there is no possibility for further legal remedy.

Changes in the number of complaints submitted against suspect's hearing and decisions of the investigation authorities is shown by the following diagram:

Number of complaints submitted against decisions and suspect’s hearing of the investigation authorities in 2011–2020



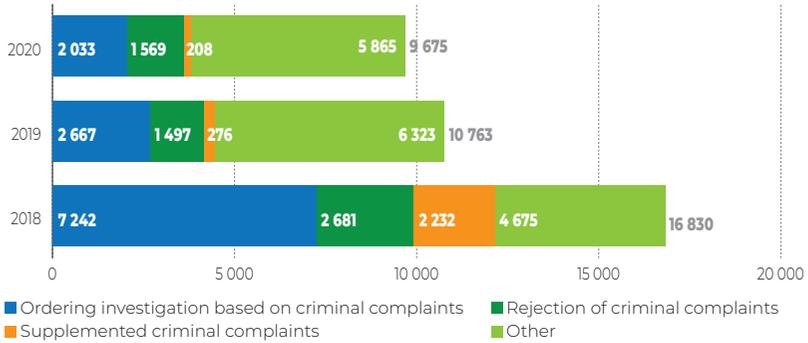
The number of complaints submitted against suspect’s hearings and decisions of investigation authorities showed a further increase last year.

The Prosecution Service accepted 3,072 complaints, it rejected 24,772 complaints, whereas it took other measures with respect to the remaining part of the complaints.

Complaints may be submitted against decisions, measures or omitted measures taken by the Prosecution Service during its procedure before indictment. Out of the complaints lodged against the decisions of lower-level prosecution offices 396 complaints were accepted, 2,728 complaints were rejected and with regard to the remaining part of the complaints (586 complaints) other measures were taken in 2020.

The following diagram shows the decisions on criminal complaints submitted to the Prosecution Service:

Criminal complaints submitted to the Prosecution Service and decisions made on them in 2018–2020



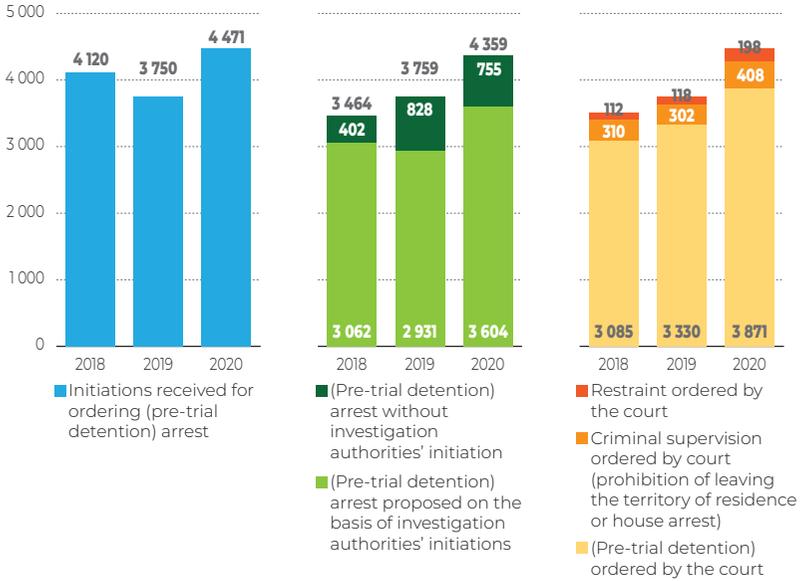
The CPC lays emphasis on the gradual approach concerning deprivation or limitation of liberty in connection with the system of coercive measures.

It is a statutory provision that the application and execution of a coercive measures shall correspond to the requirement of the principle of necessity and proportionality.

The possibility of using bail has been significantly expanded, indicating that the law intends to reduce the number of arrests to a minimum, and it intends to limit arrest to the most necessary cases.

Regularly the investigating authority initiates that the Prosecution Service should propose arrests. The following diagram illustrates the follow-up measures of such initiations:

Data regarding arrests (pre-trial detentions) in 2018–2020



In 2020, there were 77,384 (2019: 83,446, 2018: 78,558) prosecutorial decisions in connection with cases examined in view of being appropriate for indictment. These results are shown by the following diagram:

Prosecutorial decisions on cases examined in view of being appropriate for indictment in 2020



With regard to the examined cases, the Prosecution Service filed indictment in 61.2% of the cases, terminated 23.2% of the cases, it applied conditional prosecutorial suspension in 10.5% of the cases and referred 4.6% of the cases to mediation. The types of indictments were as follows: the Prosecution Service filed indictments on general rules in 5,689 cases (12% of all indictments), arraignments were conducted in 2,362 cases, and it made a proposal for a penal order in 33,965 cases. Indictments were filed in 58 cases based on agreements.

The Prosecution Service has also the possibility to make motion in the indictment relating to the proportion and the period of the punishment or measure in case the accused confesses the commission of the crime during the preliminary session. In 2020, the Prosecution Service filed indictments in 5,090 cases in that way, which is by 27.8% more than in the previous year (2019: 3,984).

In 2020, the Prosecution Service filed indictment against 54,401 persons, which is by 20.15% less than in the previous year.

Certain cases can be quickly closed by arraignment. Arraignment can be applied in cases which are easy to decide or to prove, when the defendant makes a confession or was caught in the act of committing the crime.

To simplify and significantly accelerate the procedure, to decrease the workload, the court – upon the motion of the Prosecution Service or ex officio – decides about the punishment or imposes measures without hearing the defendant or without conducting the procedure. The procedure aiming a penal order can even be applied if the defendant has not confessed to the commission of the crime during the investigation.

In 2020, arraignments were conducted with regard to 5% of the total number of indictments (in 2019: 14.7%, 2018: 19.5%).

In contrast, in 2019 the Prosecution Service filed motions for penal order with regard to 71.1% of all indictments (2019: 58.6%, 2018: 44.8%).

All this is inseparable from the fact that the main aim of the Procedural Decree and the Removal Act was to minimize personal contact between the participants of the procedure, giving space to the aspects of health protection. For this reason, legislation further extended the possibility of applying penal order, stating that the court may apply – irrespective of the defendant's confession – penal order in case of a criminal offense punishable by no more than eight years' imprisonment, and without limitation for juvenile offenders.

In connection with existing state of emergency and health crisis situation, legal institutions by which the objectives of punishment could be achieved even without court proceedings, were applied more frequently.

Mediation is a conflict resolution procedure that can be applied to avoid infliction of sanctions for a minor offence. Its purpose is to reach a settlement agreement while also including compensation between the defendant and the victim to resolve their conflict. The agreement will also facilitate the defendant's future law-abiding behaviour.

In 2020, the Prosecution Service suspended and referred 4,919 defendants' cases to mediation (2019: 4,631, 2018: 3,782) and rejected the suspension of proceedings in the case of 4,244 defendants (2019: 3,298, 2018: 4,343). Considering the success of the proceedings, the Prosecution Service terminated the proceedings against 2,784 defendants.

Further options to avoid court procedures are the following: termination of the procedure (investigation) by application of reprimand, conditional prosecutorial suspension of the procedure.

In 2020, the Prosecution Service applied conditional prosecutorial suspension against 9,619 persons (2019: 9,423, 2018: 10,119). After applying this legal tool, procedures were terminated against 6,864 persons.

Prosecutors in criminal courts

Similarly to the previous years' tendency the number of registered crimes continued to decline in 2020. At the same time, new law application difficulties popped up again, which concerned the regulations of the CPC entered into force on 1 July 2018 regarding court procedures. At the same time, it can underlined that in 2020, the application of the new procedure code became smooth.

The biggest challenge in 2020 was the coronavirus pandemic, which created new and unpredictable challenges to the Prosecution Service in all fields, including in the activity before the courts as well. Following the declaration of the state of emergency on 11 March 2020, the Government with Article 1 of the 45/2020. (III.14) Government Decree on prevention of an epidemic causing a mass illness that endangers the safety of life and property and on measures to be taken in the event of an emergency in order to protect the health and life of Hungarian citizens, ordered extraordinary judicial vacations from 15 March 2020 to 29 March 2020. Thereafter, from 31 March 2020, the Procedural Decree – by overriding the provisions of the CPC on a temporary basis – introduced new and partially different procedural rules in connection with the court phase of the criminal procedure as well. The provisional procedural rules specified in the Procedural Decree were in force until 17 June 2020, then upon the Removal Act, which entered into force on 18 June 2020, was possible to apply specific procedural rules with regard to the epidemiological situation.

The rules of procedure, within the framework provided by permanent and temporary regulations – in cooperation with the judiciary at both national and local levels –, had to be elaborated to ensure the fundamental right to life and physical health, without

compromising the right to a fair trial. Depending on the current evolution of the coronavirus pandemic, the extent to which procedural acts in person should be avoided (e.g. court hearings, public hearings) in order to prevent and stop the spread of the pandemic (and thus to protect human life and health) should be considered. In the new situation, the importance of procedural forms that made it possible to reach a judicial decision without personal involvement, primarily on the basis of the documents, necessarily increased.

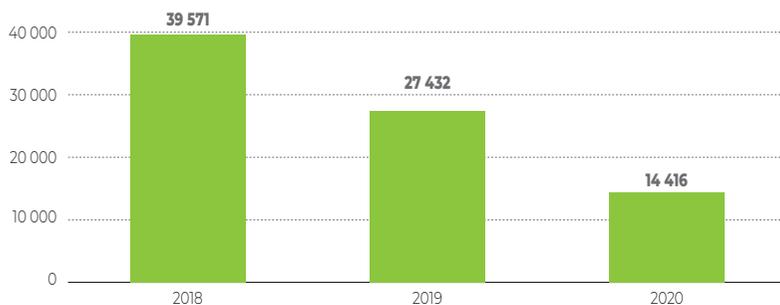
Already several years before the appearance of the new type of coronavirus in Hungary, has begun the process of enabling (some) participants in criminal proceedings to participate in court proceedings using telecommunication device. As the epidemic intensified, this possibility became an indispensable condition for the proper conduct of criminal proceedings.

In 2020, the number of cases judged by the court with final decision decreased by 18% compared to the previous year, and the number of accused persons involved also decreased by 20%. This change can be explained by two reasons. On the one hand, the number of registered crimes has been steadily declining in recent years, and on the other hand, in 2020 due to the epidemiological situation, courts could hold fewer hearings (public hearings), since certain procedural acts involving personal presence could not be performed.

In 2020, preliminary session, mandatory for cases to be heard in court remained an important field of prosecutorial activities. Prosecutors participating at the preliminary session have increasingly taken the opportunity to propose a specific degree of legal sanction, in the event that the accused confesses at the preliminary session the commission of the offence. The other function of the preliminary session, namely the concentration of the trial, has become even more important due to the epidemiological situation: the timely submitted motions of evidence make the course of the trial predictable and may help the court to reach a final decision with fewer trial days.

The number of cases at first instance trial, as illustrated in the diagram below, continued to decline significantly in 2020, even compared to the declining trend of the previous period. This change can be partly explained by the fact that courts were able to close cases by final decision at the preliminary session and in part by the fact that, due to the spread of the coronavirus pandemic, it was not always possible to hold a trial.

Number of cases concerned by first instance trial in 2018–2020



The number of cases completed at second instance continued to decline significantly comparing to the previous year reaching in 2020: 6,965, in 2019: 10,068, and the number of trials held with the participation of prosecutors decreased by 44.6%. In 2020, prosecutors took part in second instance public sessions in more than one fifth of the cases.

According to provisions of the CPC, in many cases, the direction and content of appeals, submitted by the Prosecution Service essentially determine the volume of the appeal and in this way the limits of the second instance court's procedure as well. In this respect, the provision under which it is no longer possible to extend appeals resulting in a limited review at a later stage is of particular importance. From prosecution performance indicators it can be concluded that, compared to the previous years, prosecutors handling cases at first-instance performed high-quality work in 2020 as well, and they paid special attention to lodging appeals.

The CPC provides possibility for the second instance court to establish the criminal liability of an accused acquitted at first instance on the basis of different facts. Whenever prosecutors who represented prosecution offices operating at the level of second instance courts saw an opportunity to apply this rule, they tried to file their motions accordingly, thereby also reducing the number of cases where the first instance court's decision had to be quashed.

The number of third instance procedures in 2020 was also minimal: it was 70.

On the whole, it can be concluded that in 2020 the workload of the Prosecution Service in relation to trials significantly decreased compared to the previous year, but the wide spread coronavirus pandemic created an increased written workload for the Prosecution Service.

In addition to provisions of the CPC which allow the court to pass a conclusive decision at the preparatory hearing provided the defendant pleads guilty to the crime in line with the indictment, the other two instruments which accelerate judicial proceedings are the arraignment and the penal order procedure.

In 2020, the rate of procedures aimed at ending cases with a penal order and the rate of arraignments compared to the number of finally convicted offenders also increased significantly compared to the previous year: it was 65.9% (2019: 51%). Based on these statistical data it can be concluded that last year the Prosecution Service efficiently contributed to the improvement of the timeliness of criminal procedures as well.

The court found 87.6% of the prosecutorial motions for arraignment procedures well-founded, given that the procedural conditions for conducting this special type of procedure were met. The majority of the court procedures were finished within one trial day.

The other effective instrument accelerating court procedures is the procedure aimed at ending a case with a penal order. From 2008 to 2013 the frequency of these procedures basically followed the number of defendants concerned with final judgements. Since 2014 the importance of this legal tool has grown, both as far as the number of adjudicated cases and as its ratio compared to the number of defendants whose cases were adjudicated with final decisions in court are concerned (in 2020: 60.7%, in 2019: 40.7%, in 2018: 27.7%). In 2020, penal orders became final for 87.5% of the defendants.

In 2020, courts accepted the admission of 8,778 defendants at preparatory hearings. Compared to the number of defendants whom the Prosecution Service indicted (in other words, who were not arraigned), and in cases of whom it did not propose a procedure aimed at ending a case with a penal order, the rate was 38.7%. Viewing in parallel this data and the rate of indicted persons whose case was decided by penal orders, it can be concluded that the Prosecution Service, while also taking into account the specific characteristics of the pandemic, opted for the appropriate forms of procedure.

In 2020, the number of defendants sentenced to punishments or measures decreased compared to the previous year: it was 53,222.

The proportion of punishments continued to rise among criminal law sanctions: in 2020 it was 86.7%.

In 2020, the number of defendants sentenced to life imprisonment decreased; the court imposed the most serious punishment available in the penal system on 13 defendants in the reporting year.

The number of defendants subject to different sentences - without the number of defendants sentenced to life imprisonment is shown by the following figure:

Number of defendants subject to different sentences in 2018–2020



In proportion to the decrease in the number of defendants affected by final conclusive decisions, courts imposed determinate imprisonments on 22.2% fewer defendants last year compared to the previous period. As far as imprisonment sentences are concerned, the rate of executable imprisonments (34.1%) slightly increased compared to the rate of suspended imprisonments (65.9%).

Similarly to the previous year, fine became the most frequently imposed punishment by court in 2020, too.

Beside the slight increase in the number of imposed fines, the number of community service work among the imposed sentences also decreased by 18.6% in the reporting year.

The number of defendants whom the court sentenced to driving ban by its final decision decreased by 12.1% in 2020, which is a perceptibly smaller change than the change in the number of defendants convicted by final judgements. From all this, it can still be concluded that in agreement with the Prosecution Service's opinion, the courts are also of the view that the impact of this sanction on general and individual prevention have remained decisive.

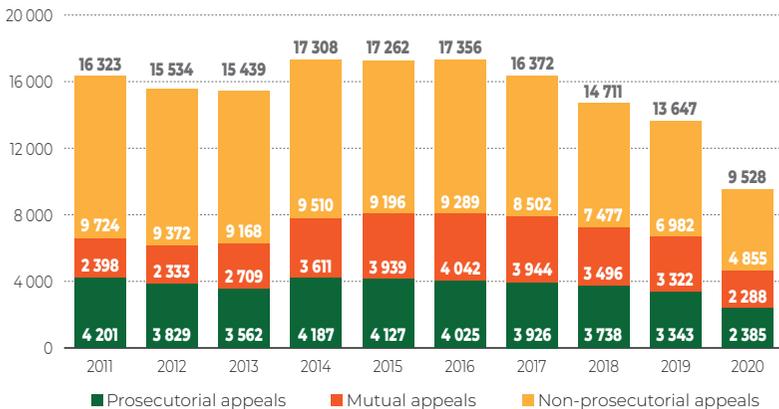
The number defendants sentenced to expulsion decreased by 27 in 2020, which is partly reasoned by the fact that due to the coronavirus pandemic the entry into Hungary was more difficult than usually.

The number of custodial arrests also declined.

Compared to the previous year the number of probations decreased by 26.7%, but it still remained to be the most frequently applied criminal measure by courts.

The number of appeals filed against decisions on the merit of first instance courts are shown by the following bar chart:

**Appeals against decisions on the merit of the first instance courts
in 2011–2020**



Compared to the previous year, the number of appeals lodged against decisions on the merit of the first instance courts fell by 30.2% in 2020. In 2020, appeals were filed with regard to 50.6% of the defendants affected by conclusive decisions of first instance courts, where the court decisions were not passed in procedures aimed at ending a case with a penal order.

The rate of prosecutorial appeals against decisions on the merit of first instance courts rose again to 49% in 2020, after the slight drop seen in 2019 (48.8%).

In 2020, the efficiency of prosecutorial appeals slightly decreased, to 52.2%, compared to last year. In some cases, it could still be perceived that case-law was soft, and the provision prescribing that imprisonment should be imposed by taking into account its average term set forth by law was not properly enforced, either. In such cases, the Prosecution Service sought to enforce this statutory requirement by appealing for aggravation.

In 2020, the Prosecution Service filed an appeal for the acquittal of the defendant in 3 cases and for the mitigation of the penalty imposed on the defendant in 41 cases.

The efficiency rate of indictment has been permanently increasing since 2013, and in the reporting year the highest rate of the last ten years was registered, which was 98.9%. Besides that, the court convicted 47,790 defendants, which comprises 87.9% of the total number of defendants, for the very same offences as included in the indictment or the final indictment.

Compared to the previous year, the number of first instance decisions on the merit that were quashed by second instance courts fell significantly, by 42%.

In 2020, the number of defendants affected by appeals lodged against decisions of courts of second instance declined to 150, within which the number of defendants affected by prosecutorial appeals decreased to 98.

In 2020, the number of retrials initiated ex officio by the Prosecution Service slightly increased compared to the previous year: the efficiency rate of these was 69.2%.

In 2020 the Prosecution Service also paid special attention to priority criminal cases and to cases of high interest to the public pending before criminal courts. We thoroughly and on an item-by-item basis examined procedures in this respect and generally those procedures that ended with final judgements of acquittal, and necessary conclusions have been drawn. Just as earlier, random samples were taken of cases which had been finished in a manner that undermined the efficiency rate of indictment. Based on the results of the examinations specific or general measures were taken. Consultations were offered to appellate chief prosecution offices and chief prosecution offices in ongoing cases where assistance was provided to resolve substantive and procedural law issues in a way, so that they could be used in pending trials. All these measures have contributed to the maintenance of a favourable efficiency rate of indictment.

Prosecutors' activities relating to criminal cases of juvenile offenders

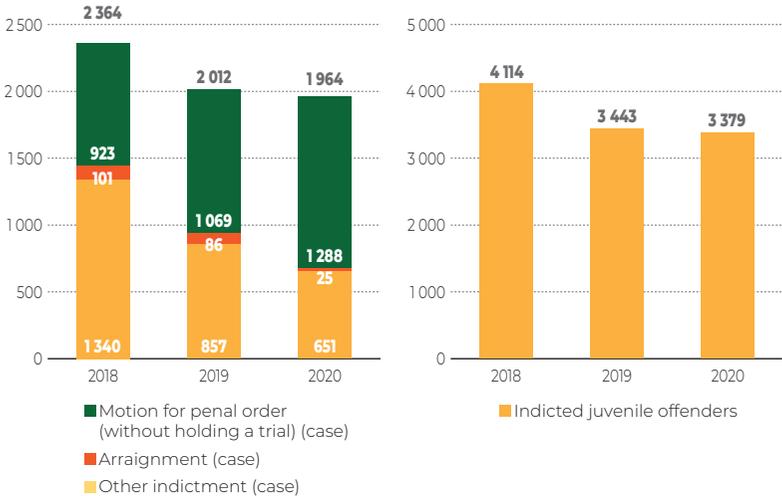
In 2020, the number of criminal offenders was 138,950, and 8,064 of them were registered as juvenile offenders over the age of fourteen.

In 2020, the number of minors registered as criminal offenders – who could not be held criminally liable – was 1,734.

In 2020, cases closed in an accelerated procedure accounted for 66.9% of the indictments, which, compared to the respective figure 57.4% of the previous year, led to a 9.5% increase. This was mainly due to significant, 12.5% increase in the ratio of motions for penal orders compared to the ratio of the total number of indictments.

The number of cases resulting in indictments and the number of indictments against juvenile offenders are shown by the following figure:

Data on indictments against juvenile offenders in 2018–2020

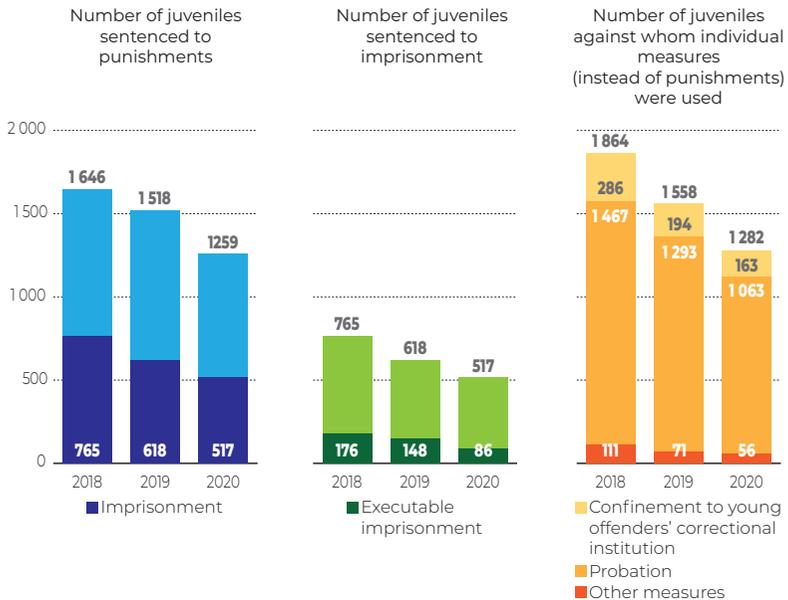


In 2020, the number of cases and defendants affected by court decisions showed a further decrease compared to the data of the previous years.

Courts brought final judgments with regard to 2,577 juvenile offenders in 2,035 cases. Courts sentenced less than half of the juvenile offenders (41%) to imprisonment.

From the group of measures, which can be applied individually instead of criminal punishments, probation remained to be the most frequently applied one (2020: 82.9%, 2019: 83%), while the number of juveniles sentenced to confinement in young offenders' correctional institution still remained the same (2020: 12.7%, 2019: 12.5%). The data are shown by the following figure:

Main data on punishments and measures against juvenile delinquents in 2018–2020



The legal function of the preparatory hearing, which aims to ensure that criminal procedures are concluded as soon as possible, even in the case of indictments, has proved to be effective in juvenile cases. In 2020, the confession of 519 juvenile offenders (91% of the juveniles charged in indictments) were accepted by court at preparatory hearings, and the court conclusively decided the cases of 488 (94%) of those juvenile offenders – with regard to 444 of the juvenile offenders the conclusive decisions became final already at the preparatory hearing.

In the reporting year prosecutors lodged appeals against decisions of the first instance courts with regard to 156 juvenile defendants, which led to a result in second-instance procedures involving 53.8% of the defendants (84 juvenile defendants). In 2020 no third-instance criminal procedures were conducted against juvenile offenders.

The efficiency rate of indictment regarding juvenile cases was similar to the data of previous years, 99.3%, (2019: 99.33%, 2018: 98.99%).

Opinions aiming at uniform application of law in the criminal section

During the application of criminal law, it is essential that prosecutorial organs represent the same position on contentious issues. The CPC entering into force on 1 July 2018 raised several issues of interpretation, in connection with which the Office of the Prosecutor General assisted the application of law by the Prosecution Service by continuously issuing guidelines.

In 2020, due to the coronavirus pandemic the Office of the Prosecutor General did not carry out any nationwide examination, but it issued numerous opinions laying down guiding principles for the uniform application of law:

First of all, the guideline on tasks and law application issues relating to the Decree on the implementation of criminal procedure law should be mentioned. The guideline prescribed, inter alia, that in all cases where legal conditions are met, prosecutorial motions should be filed for penal orders, whereas arraignment should be used only in exceptional cases where immediate actions under strict legal regulations are inevitable.

The Office of the Prosecutor General formulated its position in the question how provisions on scaremongering, effective as of 31 March 2020 should be interpreted.

It was also a guideline that addressed issues of crime cumulation in the context of domestic violence and child endangerment.

Another guideline called attention to the need to enforce the severity of law to the fullest extent in case of certain offences that pose serious and high risk for road safety.

A guideline tried to interpret categories of perpetrators of budget fraud, including who the perpetrator of the crime is when it is not the senior official of the taxpayer company that submits the tax return with misleading information in it, but an employee of the taxpayer company or the representative of another company (e.g. accounting firm) based on a power of attorney, authorization or instruction: whether it is the senior official of the taxpayer company or the person actually submitting the tax return.

The Office of the Prosecutor General issued several guidelines in the context of the use of covert tools, including one about data acquisition needed to locate an electronic communication device, the involvement of the National Security Service, on how the use of covert tools should be limited to purposes and the erasure of data acquired by the use of covert tools.

As far as budget fraud is concerned, assessing the method of evading toll payment in terms of substantive criminal law had to be analyzed in an opinion issued by the Office of the Prosecutor General, as the financial loss caused by such acts did not reach the minimum value limit in each, individual case, but overall, they caused billions in damages to the budget.

From among the opinions issued by the Office of the Prosecutor General regarding money laundering, the one focusing on the issue of money laundering involving unlawful savings made by failure of tax payment and the one analyzing compensation offered by the perpetrator of money laundering to the victim of the predicate act as part of their agreement need to be highlighted.

3. Prosecutors' activities outside the field of criminal law

Prosecutors' activities relating to the protection of public interest

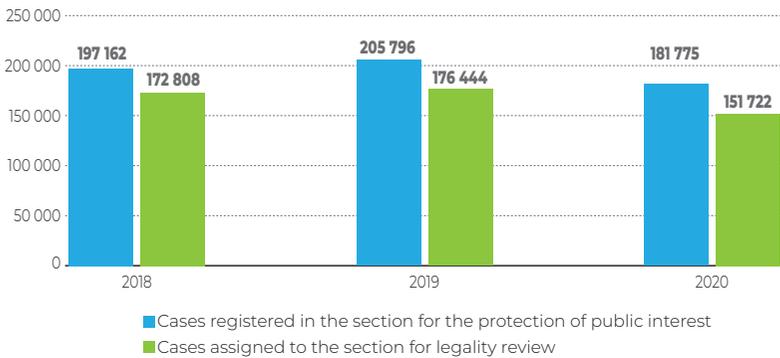
Legislative changes related to the human epidemic caused by the coronavirus in 2020 also had a significant impact on the activities of prosecutors working in the field outside of criminal law. Out of these changes the package of laws aimed at creating the conditions for faster, more efficient and more transparent public administration deserves special mention. In order to simplify the operation of government offices in the capital and in the counties, a number of changes in tasks and competencies were implemented, and several official competencies, such as construction matters, were transferred from notaries to government offices. On 1 March 2020, the minor offence authority power of the district offices was terminated, the police act on their behalf, with powers including enforcement. The general administrative procedure act was amended, and a one-level administrative authority procedure became a norm. In this context, the prosecutorial legality review pursuant to Section 29 (1) of the Prosecution Service Act became possible with regard to the decisions of district offices, which become final in most cases at first instance. As of 1 April, 2020, the administrative and labour courts were terminated, and as a rule, administrative lawsuits were referred in the jurisdiction of eight tribunals with regional jurisdiction and an administrative college. The Prosecution Service adequately prepared for the amendments that significantly affected the tasks of the legality control by taking measures for the organisation of work and by making the necessary provisions in the specialised instructions.

Statistical indicators and tendencies of cases relating to the protection of public interest

The decrease in the number of cases registered in the field of the protection of public interest by about 11.7% – as it can be seen in the figure below – is the result of an impact that affects the two

main groups of caseload in different ways. In 2020, the number of legality review cases, which account for an overwhelming proportion of the protection of public interest cases, decreased by 14%, at the same time, the volume of private law cases, which account for the rest of the caseload, increased by 2.4%, in line with the positive trend of the previous years.

Caseload data in the field of the protection of public interest in 2018–2020



The decrease in legality review cases is primarily a consequence of the decline in the number of minor offence cases – which account for a significant proportion of the case group – mainly due to reduced mobility, introduction of curfews. The increase in the number of private law cases can be attributed to the increase in the number of own initiatives despite the difficult working conditions caused by the emergency in cases related to companies, non-governmental organizations and consumer protection.

The legal provisions in connection with the emergency did not significantly influence the case-arrivals from court. The number of cases received from court was the same as in the previous year; the decrease was less than 1%. Presumably, due to the social impact of the coronavirus pandemic, the decreasing trend in the number of requests aiming at prosecutorial actions continued, as a result of which, the number of requests was by 13.3% lower than in the previous year.

Experiences of legality review procedures

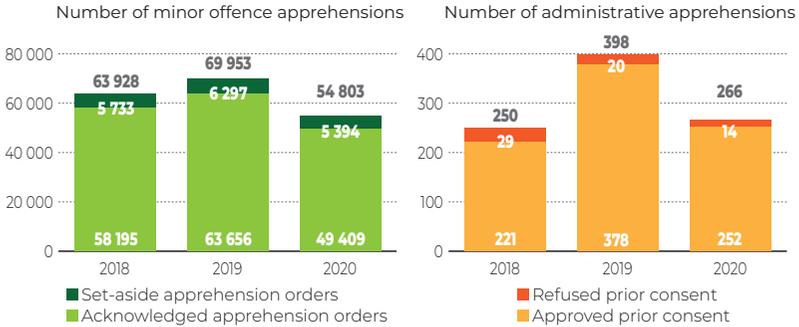
In 2020, at the request of the persons concerned by the procedure, a legality review of procedures and decisions of administrative authority was conducted in 1,137 cases, which is the same magnitude as in 2018 and an increase by 2.8% compared to 2019. Within this, the number of traffic administration cases more than doubled compared to 2019 data, but the number of requests related to tax, finance, social benefits and medical care, as well as environmental cases also increased significantly. In addition to the nearly 30% decrease in the number of construction cases, there was a significant decrease in custodial and other administrative cases, however, the volume of guardianship cases and other requests remained essentially unchanged.

Through the continuous monitoring of administrative procedures for environment protection, the number of priority measures in environmental, nature protection and animal welfare matters increased significantly in 2020 compared to the previous year, by more than 43%. Prosecutors issued 25 signals for minor offences, whereas in 119 cases (by 37% more than in the previous year) they initiated proceedings while exercising their supervisory and control powers. Against the unfounded decisions of administrative authorities, reminders were issued in 10 cases, and each of them was effective. Due to acts that seriously endanger or damage environmental values (violation of waste management regulations, animal torture, damage to nature), prosecutors initiated 28 criminal proceedings more than tripling the number of actions in 2019.

In order to protect consumers, in 2020 prosecutors initiated 77 administrative procedures. In the predominantly successful cases, prosecutors typically turned to the consumer protection authority, because the examined general terms and conditions did not comply in all respects with the legal provisions related to consumer-business contracts and e-commerce services.

The following diagram illustrates prosecutorial activities related to apprehension orders of administrative authorities in 2018–2020:

Number of minor offence or administrative apprehensions in 2018–2020



The almost 22% decrease in the number of apprehension orders in minor offence cases received by the Prosecution Service for legality review compared to 2019 is due to the fact that the imposition and enforcement of coercive measures was also suspended during part of the pandemic. The proportion of decisions set aside as a result of the legality review was almost 10% in 2020, showing a slight increase compared to the previous year.

In administrative authority cases, about 33% fewer requests for consent were received by the Prosecution Service in 2020 than in the previous year, however, prior consent to the administrative apprehension was refused in a similar proportion, in 5.3% of the requests.

The number of decisions (70,013) on the termination of proceedings transmitted to the Prosecution Service by police bodies conducting preliminary proceedings in matters falling within the jurisdiction of minor offence authorities and courts was by 11% less than in the previous year (78,669). Based on the electronically submitted decisions on the termination of proceedings prosecutors took measures in 2.8% of the cases (1,987 cases), more than half of which were signals submitted to the minor offence authorities. The 28%-rate of prosecutorial reminders to remedy substantive breaches of the law is the same as in the previous year, while the rate of initiating of procedures

shows an increase of 4%. In most cases, the prosecutor initiated criminal proceedings for the criminalisation of the minor offence.

In 2020, the number of complaints submitted in minor offence cases decreased by 8.6% (2020: 947, 2019: 1,036), 27.3% of which proved to be substantiated. Based on the detected breaches of law prosecutors quashed the contested decisions of authorities in 256 cases, and they established the violation of law by authorities in 3 cases.

In 2020 the number of retrials decreased by 11% (2020: 1,161, 2019: 1,309).

Minor offence authorities shall initiate the exercise of the power the prosecutorial legality review *ex officio* if, in the course of their procedure, they find that the decision of the authority violates the law for any reason. The vast majority of the initiatives, which increased by almost 11% in 2020, proved to be well-founded, and they resulted in 440 reminders and 25 requests for retrial.

Prosecutorial activities relating to integrity screenings

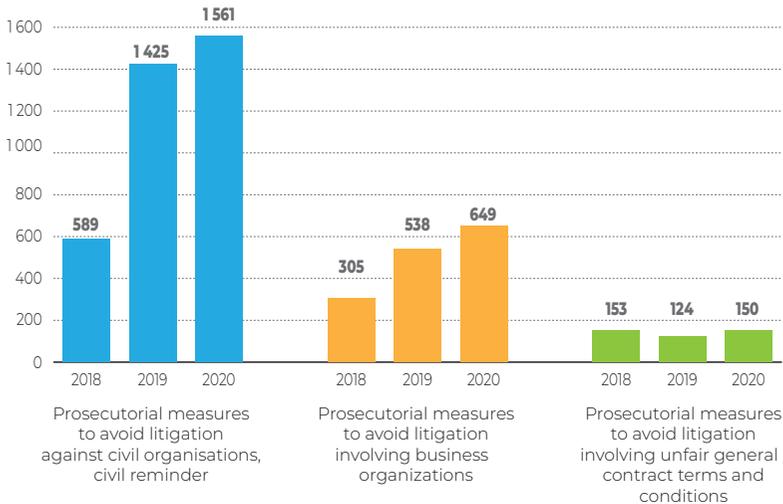
Chief Prosecution Offices assigned to exercise such competence, approved 986 decisions ordering integrity screenings last year. Based on the conducted integrity screenings 9 criminal proceedings were initiated concerning 5 police staff members, 2 staff members of the National Directorate-General for Aliens Policing, 1 staff member of the Prime Minister's Office and 1 staff member of the enforcement of punishment.

Prosecutors' participation in court proceedings

In 2020, prosecutorial activity dealing with cases where legal persons were involved also constituted a significant proportion of cases filed in the field of private law. At the same time, by increasing the number of own-initiative cases, the shift in focus towards company law and consumer protection activities continued.

In 2020, prosecutors working in the field of the protection of public interest also tried to take cost-effective prosecutorial measures prior to judicial proceedings – if the type of law infringement allowed the opposing party to voluntarily terminate the unlawful situation or state acting in its own authority – in order to avoid litigation. The following diagram illustrates the number of prosecutorial measures aimed to avoid litigation in 2018–2020:

Prosecutorial measures aimed to avoid litigation, civil reminders in 2018–2020



In 2020, the number of civil reminders almost tripled compared to 2018, and they increased by 9.5% compared to 2019.

The number of prosecutorial measures (reminders) to avoid litigation involving business organizations has been steadily increasing for years, too. In 2020, prosecutors called on companies to eliminate violations of law in almost 21% more cases than in the previous year. The effectiveness of the majority of the measures made it possible for prosecutors to avoid bringing cases to court.

When exercising their consumer protection powers, prosecutors, after careful consideration of all the circumstances, often call on businesses to eliminate the causes of the unfairness of applied

contract terms and conditions. The number of prosecutorial measures taken to avoid litigation in this area increased by 21% in 2020 compared to the previous year. In view of the dangers of online shopping, which has become more widespread due to the coronavirus pandemic, the vast majority of measures to avoid litigation was filed against web shop operators, but prosecutors also took actions against a tour operator, a tour broker, a real estate agency, an underground garage operator and against a dentist, too. In addition to prosecutorial measures taken to avoid litigation, criminal proceedings were also initiated in the examined period for preparation of the minor offence of placing on the market poor-quality products, when damages were caused to customers by false measurements of goods in a catering place.

Following the detection of an activity endangering or damaging the environment, prosecutors issued reminders in 2 cases to call on violators to eliminate their activities endangering the environment and to justify that investments necessary thereto have been started.

In view of the authorizing provision of the Act on restraining orders applicable in case of domestic violence between relatives, prosecutors took actions in a significant number of (1,649) non-litigious court cases, which is slightly higher than in the previous year.

Although the number of prosecutorial initiatives (1,495) for proceedings aimed at the legality control over companies decreased by 15% compared to 2019, the number of cases, where prosecutors took effective measures to avoid litigation increased by 21%.

The number of litigation proceedings initiated by prosecutors (291) increased by 14% compared to the previous year, which is mainly due to the increase in the number of lawsuits related to companies as well as of environmental and nature protection lawsuits.

In 2020, the number of cases where prosecutors filed lawsuits seeking the quashing of unlawful decisions that ordered the registration of companies or the entry of changes in company data into the company register rose by almost 69% (152) compared to the previous year. The volume of cases where prosecutors filed lawsuits in environmental and nature protection cases increased by 70% (24) compared to the previous year. The majority of actions prosecutors filed sought definite time or permanent bans on animal keeping, while a smaller part of them sought compensation for damages caused to the nature or injunctions to restrain unlawful activity.

In 2020, in order to protect the interests of consumers, prosecutors submitted a declining number of lawsuits to establish the unfairness of the general terms and conditions, which is closely related to the 21% increase in the number of prosecutorial measures taken to avoid litigation compared to the previous year. By taking together the number of filed lawsuits and prosecutorial actions for avoidance of lawsuits, the overall volume of measures seeking remedy for unfair general terms of contracts rose by almost 10%.

Prosecutorial activity relating to child and juvenile protection outside the field of criminal law

In 2020, prosecutors fully accomplished their warning duties related to endangered children and the danger of violence among family members. The number of official proceedings initiated at guardianship offices to grant a child a 'protected status' (305) increased significantly by 22%, whereas the number (1,475) of awareness-rising signals in restraint cases applied for violence among family members showed a growth of 17.7%.

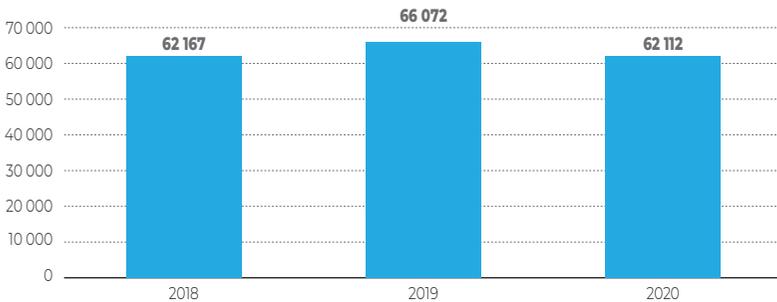
Prosecutors submitted against decisions of public administration authorities concerning juveniles 133 reminders calling attention to substantive violations of law and 454 signals for minor violations of law. In juvenile cases, criminal proceedings were initiated on 271 occasions.

Exercising their power of legality review over child protection institutions, prosecutors carried out inspections in child protection institutions providing specialized care in 2020. In the short period not affected by the coronavirus pandemic emergency situation, legality review was carried out in 20 special child protection institutions.

Legality supervision of the enforcement of punishments

The change in the workload in the field of legality supervision of the enforcement of punishments and the protection of human rights (supervision of the enforcement of punishments) are reflected in the growth of the number of registered cases. As the diagram below shows, the number of cases registered last year is approximately the same as the number of cases registered in 2018. The decline in 2020 compared to the previous year is clearly a consequence of the coronavirus pandemic.

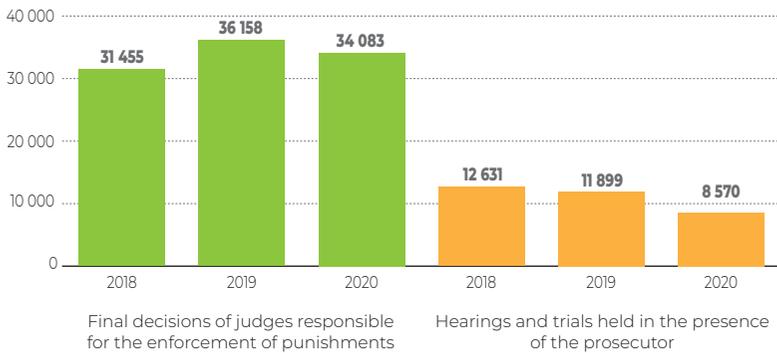
Changes in the workload in the field of legality supervision of the enforcement of punishments and the protection of human rights in 2018–2020



Unlike in the number of registered cases, there is still an increasing tendency in the number of complaints, requests and reports received by prosecutors. On the other hand, there is a slight decrease in the proportion of the sustaining decisions of prosecutors (2020: 8.6%, 2019: 9.5%, 2018: 10.2%), which indicates a moderate but favourable tendency.

Participation in court proceedings connected to the enforcement of punishments account for a significant proportion of the workload of prosecutors specialized in this field. The following diagram illustrates the number of final judgements of judges responsible for the enforcement of punishments and the number of hearings and trials held in the presence of prosecutors:

Number of final judgements of judges responsible for the enforcement of punishments and the number of hearings and trials held in the presence of prosecutors in 2018–2020



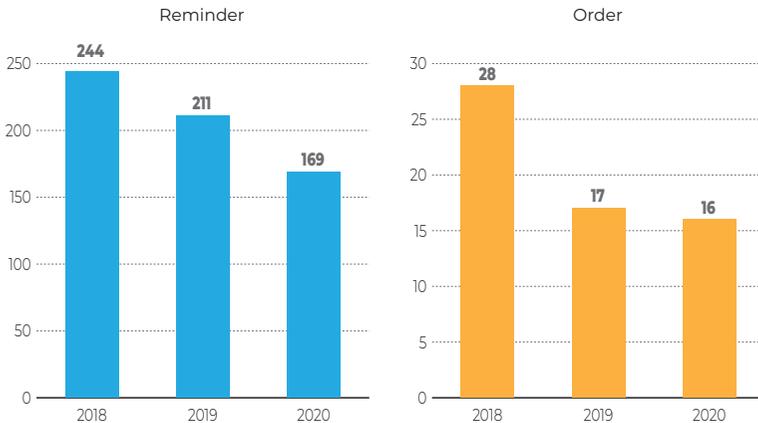
The increase in the number of final court decisions in judicial procedures conducted by judges responsible for the enforcement of punishments before 2020 is essentially the result of the extension of the powers of these judges (compensatory remedy complaints concerning conditions of detention violating fundamental rights, review of involuntary treatment, etc.). Last year's decrease can be seen as an effect of the coronavirus epidemic, which also had a negative impact on the functioning of the judiciary (e.g. in the form of forced judicial vacations).

The decline in the number of hearings and trials held in the presence of the prosecutor in 2020 can be explained by the lower number of the decisions delivered by judges responsible for the enforcement of punishments, on the one hand, and by the fact that in order to prevent the spread of the epidemic, decision-

making on the basis of the file was preferred to decision-making at the hearing or trial, on the other hand.

With the help of their inspections, prosecutors in this field continued to detect infringements of the law and took definite measures to eliminate and prevent them. The following diagram illustrates the number of reminders and orders issued by prosecutors working in the field of the enforcement of punishments:

Number of prosecutorial reminders and provisions in 2018–2020



Continuous monitoring of the legality of detainees' treatment has long been a priority task for prosecutors supervising the enforcement of punishments. The national examination in 2019 found that similarly to the previous years the legal provisions ensuring the legality of the treatment of detainees have generally been implemented by detention bodies and the method of implementation generally complied with the requirements set forth by international norms and recommendations.

The necessary prosecutorial measures to rectify and eliminate occasional deficiencies were taken, and the prosecution offices contributed to the remedy and prevention of deficiencies by using lawful means and tools available for them.

Until the autumn of 2020, the penitentiary organisation had a serious problem with the lawful accommodation of prisoners and, in this context, with the compliance with the segregation rules, since despite the measures taken to eliminate overcrowding, the average overpopulation had not been reduced to the level required by the legislator. The problem was solved by a programme of expansion of the capacity of the penitentiary system, which has resulted in a national reduction of the occupancy rate in penitentiary institutions to below 100%.

After the increase of capacity was implemented, the Office of the Prosecutor General called on the chief prosecution offices affected by the increase in the capacity of the penitentiary institutions to carry out an examination into the legality of the treatment of detainees in the new penitentiary institutions. The reports of the chief prosecution offices showed that the conditions of detainees transferred to the new facilities had improved compared to the situation before the increase in capacity.

In 2020, the coronavirus pandemic also had a significant impact on the activities of the prosecution service's in the field of legality supervision of the enforcement of punishments. The wearing of certain protective equipment (face masks, rubber gloves) has become mandatory for the supervision activities in penitentiary facilities. Among the health protection measures introduced in this field, in addition to the restrictions on the conduct of legality supervision already mentioned, it is important to highlight the suspension of ex officio interviews of detainees and the use of telecommunications equipment and the so-called "Plexiglass interview room" during the interviews of detainees.

4. The Prosecutor General's activity

Activity related to Parliament

In 2020, the Prosecutor General continued to fulfil exhaustively his constitutional obligations towards the Parliament, both orally and in writing.

In the reporting year, the Members of Parliament addressed 128 questions requiring written responses to the Prosecutor General.

The Prosecutor General's report on the activities of the prosecution service in 2019 was accepted on the plenary session of the Parliament on 22 February 2021.

Exercising certain powers of the Prosecutor General

In 2020, in order to ensure final judgements' compliance with the law, the Prosecutor General sought legal remedies at the Curia in 7 cases. In each case, the Curia agreed with the arguments put forward in the appeal.

Section 2 (2) (a) of Act CXXX of 2000 on establishing the nullity of convictions in connection with the retaliations following the 1956 revolution and fight for freedom authorized the Prosecutor General to file motions ex officio to the Curia to issue a certificate of nullity to those affected by the Act. This occurred in 11 criminal cases in 2020 by which 49 persons were concerned. The Curia confirmed the nullity of the proceedings in accordance with the filed motions.

The most important tool to standardize judicial practice is the uniformity decision adopted by the Curia, which is binding for lower courts. In 2020, 3 uniformity decision proceedings were opened in the field of criminal law; all 3 of them were initiated by the Prosecutor General. Last year the Prosecutor General issued written statements in 11 uniformity decision proceedings outside the field of criminal law.

In 2020, in order to initiate criminal procedures the Prosecutor General requested the waiver of the immunity of three Members of Parliament in three cases. Based on these requests the Parliament waived the MP's immunity in all three cases.

The Prosecutor General requested the waiver of five judges' immunity, and four of the requests led to the waiver of their immunity. In the fifth case, due to his resignation, the service relationship of the judge concerned terminated before his immunity was waived. In 2020, the Prosecutor General waived the immunity of two prosecutors. The Prosecutor General did not propose the waiver of diplomatic immunity.

In the past year, 4 infringement cases were opened against persons enjoying immunity. The waiver of immunity was initiated in the case of 1 judge, while 3 Members of Parliament voluntarily waived their immunity.

In 2020, due to the special legal order, the number of draft legislations sent to the Prosecution Service for issuing an opinion decreased compared to that of the previous years. The Prosecutor General and within their delegated power the head prosecutors of the Prosecution Service made observations with regard to more than 50% of the sent draft legislations.

The Prosecutor General is authorized by law to regulate in internal orders the structure, operation and activities of prosecution offices and units headed, directed and supervised by him and to issue circulars to facilitate the operation and activities of the Prosecution Service, as well as the cooperation of the branches of prosecutorial activities. In 2020, 20 Orders and one Circular of the Prosecutor General were issued.

The Prosecutor General's international activity

The Prosecutor General's international activities in 2020 were significantly shaped and influenced by the international pandemic situation caused by the coronavirus. The top-level international

conferences planned for 2020 were postponed or cancelled by the inviting party, while bilateral programmes between heads of prosecution services were suspended or postponed for an indefinite period as of mid-March 2020.

Between January and mid-March 2020, the Prosecutor General participated in the following programmes.

As a return visit to the 2018 Cuban-Hungarian Prosecutors General meeting, a delegation led by the Cuban Deputy Prosecutor General paid an official visit to Hungary from 2 to 6 February.

A delegation led by the Austrian Procurator General visited Hungary on 9–10 March. During the programme, in addition to high-level talks, meetings were held with the chief prosecutors of the border counties to review the relevant issues of cross-border regional relations.

At the end of January, Dr. Péter Polt received the Czech Minister of Justice, who was formerly the Prosecutor General of the Czech Republic, visiting Hungary at the invitation of the Ministry of Justice. During the meeting they discussed current issues of Czech-Hungarian judicial relations.

On 31 January 2020, before the introduction of the epidemic measures, the new Director General of the European Anti-Fraud Office (OLAF), Mr Ville Itälä, visited the Office of the Prosecutor General. The introductory visit and the meeting with the Prosecutor General focused on the existing cooperation between the Hungarian Office of the Prosecutor General and OLAF and on the possibility of further strengthening the working relationship between the two organisations.

The Council of Europe's Consultative Council of European Prosecutors (CCPE) held its annual plenary meeting online in November. Similarly to the previous years, the Hungarian Prosecutor General attended the meeting as a CCPE member.

Also in the last quarter of 2020, the Prosecutor General held a meeting with Laura Codruța Kövesi, European Chief Prosecutor of the European Public Prosecutor's Office. During the online meeting, the heads of the two institutions discussed the basis and the possibility of a bilateral cooperation agreement between the European Public Prosecutor's Office and the Hungarian prosecution service.

As Honorary President of the European Criminal Law Research Centre of the Shanghai Academy of Social Sciences, Law Institute, the Prosecutor General delivered an online opening lecture on "The Impact of Digitalisation on Criminal Law" at the 7th Sino-European International Forum organised by the Academy in Shanghai on 28 November.

5. International activities of the Prosecution Service

International relations

The international activities of the Prosecution Service in 2020 were also significantly shaped and influenced by the coronavirus pandemic.

In July, when the epidemic situation improved temporarily, the Deputy Prosecutor General for Public Law received in his office Mr Petr Angyalossy, the newly elected President of the Czech Supreme Court, who visited Hungary at the invitation of the Curia.

During the reporting period, the working meetings planned in the framework of cross-border cooperation with personal participation did not take place, all of them being postponed for an indefinite period of time, also in view of the epidemic closures.

The pandemic has also led to a significant reduction in the number of delegations received and in the number of face-to-face protocol meetings compared to previous years.

In 2020, the Prosecution Service was represented by 7 participants in 6 in-person international training and exchange events and 84 participants in 24 online programmes.

These programmes were again mainly organised and funded by the European Judicial Training Network (EJTN), of which the Office of the Prosecutor General has been a member since 2004.

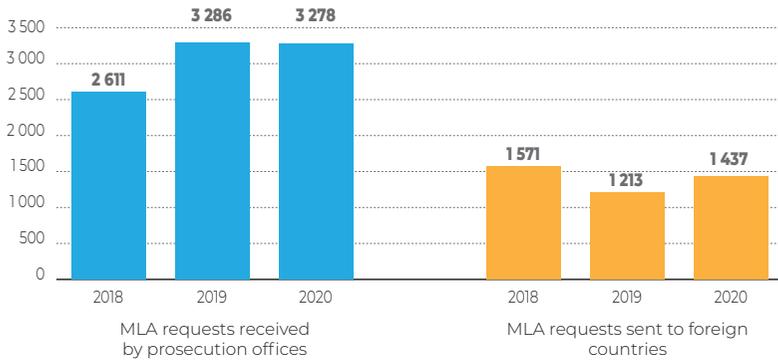
Online seminars organised by the EJTN in the framework of criminal cooperation offered the opportunity for prosecutors to participate in seminars on: criminal procedural guarantees in the Member States (2 participants), terrorist offences (1 participant), economic crime (1 participant), protection of the financial interests of the European Union (2 participants), human rights (32 participants), asset recovery and confiscation in the European Union (1 participant) and judicial cooperation in criminal matters (1 participant).

Five prosecutors participated in person in the four coordination meetings on specific criminal cases funded by Eurojust, and in addition, prosecutors participated in sixteen coordination meetings organised online.

Mutual legal assistance cases

Due to the fight against transnational organized crime and other adverse global phenomena, international cooperation between judicial authorities, including prosecution services, remained intensive last year, similarly to the previous years. This is illustrated by the following diagram:

The number of MLA requests in criminal matters received by prosecution offices and sent to foreign countries in 2018–2020



The Office of the Prosecutor General is the central judicial authority to handle mutual legal assistance matters. In 2020, it decided to forward legal assistance requests to non-EU countries in 50 cases, while it received 555 requests for legal assistance from foreign judicial authorities.

Although direct cooperation with judicial authorities of most of the Member States of the Council of Europe has become possible as of 1 May 2018, our experience shows that some Member States concerned still have not moved to direct cooperation.

The field of international cooperation among judicial authorities assigned to the Prosecutor General's jurisdiction includes acceptance of the transfer of criminal proceedings ongoing abroad as well as the transfer of criminal proceedings conducted in Hungary to foreign countries. The transfer of criminal proceedings from foreign authorities was accepted in 102 cases, while criminal proceedings were transferred in 48 cases to foreign authorities.

The number of perpetrators of registered crimes who were foreign nationals was 8,081 in 2020. In 2020, the number of foreign national victims of registered crimes was 2,733. Once more, most of the crimes committed in Hungary against foreign national victims were property crimes.

In 2020, mainly due to travel restrictions imposed in view of the epidemiological situation, compared to the previous year, the number of cases seeking legal assistance in minor offence cases decreased significantly by 56% (2020: 2,105, 2019: 4,817). 97% of the cases seeking legal assistance in minor offence cases were received from foreign judicial authorities, whereas Hungarian judicial authorities requested legal assistance minor offence matters from foreign authorities in 68 cases.

Activities of the Eurojust National Member for Hungary

Eurojust is an agency seated in The Hague, which deals with judicial cooperation in criminal matters between the Member States of the European Union. Hungary is represented at the seat of Eurojust by the Eurojust National Member for Hungary, who holds the position of a deputy head of department as a prosecutor. A seconded national expert rotating every 6 month supports the activity of the Eurojust National Member for Hungary.

In 2020, Eurojust handled altogether 8,711 ongoing cases. The number of judicial requests newly registered by the College was 4,200, which shows an increase of 8% compared to the previous year (2019: 3,892).

Out of the high number of domestic cases received, the Hungarian desk of Eurojust officially opened 231 cases before the College, which was by 11.6% higher than the number in the previous year (2019: 207). The cases initiated by Hungary made up

5.5% of the new Eurojust cases (4,200 altogether), which ranked Hungary as the 5th country in the list of Member States opening the highest number of cases. Out of the 159 requests received from foreign countries and seeking Hungary's cooperation, the number of officially registered cases is 146 (2019: 130), which was by 12.3% higher than in the previous year. In this way, Hungary is ranked as the 11th country in the list of Member States receiving the highest number of requests.

In the reporting year, Eurojust organised 371 bilateral or multilateral coordination meetings, 242 of which were held via videoconference due to travel restrictions. Hungarian prosecutors and detectives attended 20 of these meetings. We also participated on 3 occasions in the Eurojust coordination centres, which support the planned joint action days.

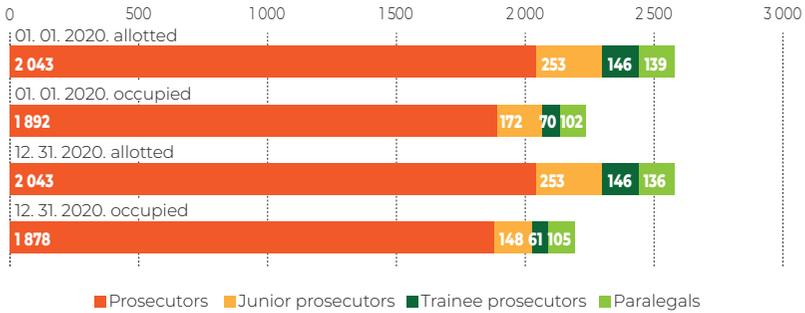
In 2020, the Hungarian desk of Eurojust was involved in the conclusion of 4 new joint investigation team agreements, where Hungary was also a member of the JITs, and also took part in the actual operation of the JITs. These joint investigation teams form 5% of the total number of JITs (74) supported by Eurojust. Altogether 15 joint investigation teams involving Hungarian members operated continuously in 2020.

6. Personnel of the Prosecution Service

Personnel situation

At the end of last year, there were 4,764 job positions allotted (allowed) by the Prosecutor General to the Prosecution Service. Last year the number of positions for prosecutors, junior and trainee prosecutors and paralegals changed as follows:

The allotted and occupied job positions for prosecutors, junior and trainee prosecutors and paralegals in 2020



Out of the number of allotted prosecutor positions the number of prosecutor positions divided among the various structural units of the Prosecution Service minimally increased, from 2,008 to 2,013, until the end of the year compared to the situation on 1 January 2020. At the end of 2020, the number of centrally reserved, non-allotted prosecutor positions was 30.

At the end of 2020, out of the number of prosecutor positions divided among the structural units of the Prosecution Service there were 135 vacant positions. 1 prosecutor was on “stand-by” on 31 December 2020.

In 2020, 31 persons were appointed as prosecutors, 7 as junior prosecutors and 1 as trainee prosecutor.

In 2020, disciplinary proceedings were started on 14 occasions, which, compared to the total staff number of the Prosecution Service (close to 4,300 persons), cannot be considered significant.

Continuous training of employees of the Prosecution Service

For trainee prosecutors 2 five-day-long, trainings whereas for junior prosecutors 1 four-day-long training, held in lecture halls,

were organized by the Hungarian Training Centre for Prosecutors in January and February of the reporting year.

Due to the coronavirus pandemic, trainings had been postponed from 10 March 2020 to 30 June 2020, and from the second half of the year the courses were held online, via a closed circuit videoconferencing system.

6 centrally organized trainings were held for prosecutors involving 15 days, whereas for prosecutorial officials and clerks involving 40 training days. The number of participants was more than 2,250 persons, out of whom 515 persons attended in-person trainings held before March 2020. The number of participants exceeded the number of participants in previous trainings, while the costs were one tenth of the costs of in-person trainings.

The training targeting head prosecutors in senior positions were also held online at the consultation meeting organized for deputy chief prosecutors heading the criminal law and non-criminal law branches. One- and two-day-long centrally organized courses and practical trainings were attended, inter alia, by investigating prosecutors, prosecutors supervising the legality of the enforcement of punishments and the protection of human rights, unit head-prosecutors and subordinate prosecutors handling criminal court cases, prosecutors prosecuting cases in court at first instance, prosecutors handling juvenile offenders' cases, prosecutors working in the field of the protection of public interest, prosecutors handling traffic offence cases and spokespersons.

Thematic trainings on prosecutors' tasks related to the fight against human-trafficking and integrity screening as well as trainings on how to support case management in international legal assistance matters were held.

As to the prosecutors' Network dealing with cybercrime cases, the prosecutors and IT staff colleagues delegated as members to

the Network from each chief prosecution office attended a one-day-long training.

Participation in postgraduate studies and specialized foreign legal language trainings was also supported. New study contracts were concluded with 19 prosecutorial employees including 11 prosecutors, 5 prosecutorial officials and 3 clerks, who obliged themselves to pursue studies.

7. Communication activity of the Prosecution Service

In 2020, the communication activity of the Prosecution Service completely renewed, and at the same time, it showed outstanding achievements. Last year altogether 10,425 press statements, interviews, press releases and proactive information were made and issued by the structural units of the Prosecution Service, which shows a 33% increase compared to the previous year. This also means, that last year, despite the difficulties caused by the new coronavirus, the Prosecution Service excelled in its communication activity, as such data indicate the best spokesperson activity ever measured.

Compared to year 2019 twenty-two structural units further enhanced their press activity.

The communication activity of the Prosecution Service went through several stages of renewal. As part of this, we introduced a new communication strategy, the crisis communication manual, the new slogan "Law and Justice!" as well as the new image and logo of the Prosecution Service.

It was also a novelty that last year the Prosecution Service also appeared in the social media, when on 26 October the Facebook page and YouTube channel of the Prosecution Service of Hungary became available to the public.

On 19 November, the Prosecution Service launched a totally renewed, up-to-date, transparent, easy to understand and attractive website.

Communicators of the Prosecution Service continued to keep contact and maintain stable, well-functioning relationships with press officers of partner bodies as well as with the local media, and the chief prosecution offices published an outstanding number of photos and video coverages, helping to make the press materials more useful than they generally are.

Effective representation of victims' interests and the protection of minors were considered to be priorities last year, too, therefore, the Prosecution Service regularly informed the general public about such issues.

8. Information technology and statistical activity of the Prosecution Service

Information technology of the Prosecution Service

During the coronavirus pandemic in 2020, the continuous, fast and reliable exchange of information became highly valued, and IT support played a key role in work processes of the Prosecution Service. Due to the implemented IT developments, all prosecutors have been able to work online, remotely from home. Each prosecutor has a laptop, so they can access the IT network of the Prosecution Service and its services in the courtroom, at outside locations or even at home. We have created the Prosecution Videoconferencing System (ÜVKR), which is used by the Prosecution Service to join internal consultations and consultations with partner organizations, and the system provides adequate support for procedural acts carried out via telecommunication devices and for online trainings of the Prosecution Service.

By the use of the Electronic Case Management System (hereinafter referred to as eÜR), continuous electronic case management and electronic contact keeping with cooperating authorities and bodies are ensured within the Prosecution Service in compliance with Act CCXXII of 2015 on the general rules on electronic administration and trust services, the procedural and other relevant laws. In 2020, the rate of cases (document files) received – through the eÜR – by the Prosecution Service was 6% higher (2020: 1,630,885; 2019: 1,538,415, 2018: 1,361,100), and the rate of document files sent to partner authorities was also 6% higher (2020: 1,058,493, 2019: 998,413, 2018: 878,760) compared to last year.

The Prosecution Service operates a national remote data transport network, which accesses all work premises. The necessary integrated data- and central internet services are provided by the National Infocommunications Service Company Limited by Shares (Nemzeti Infokommunikációs Szolgáltató Zrt.), and the Prosecution Service has the ownership rights and the right to operate the network devices essential for data protection and required for security. We constantly develop this network in order to ensure the appropriate standard of electronic case management and internal IT services. In 2020, capacities of our central systems were further increased in order to ensure effective communication with partner authorities.

The Prosecution Service continuously increases the number of its qualified electronic signature creation devices, and the digital certificates installed on them ensure not only the creation of qualified e-signatures, but they also secure online access to company and real property registers as well as to the Official Data Providing System of Magyar Telekom Ltd. By the end of the reporting period, 2,062 prosecutorial employees obtained such devices.

In 2020, we continued to extend external relations and widen areas where we cooperate with partner authorities. The cooperation agreement concluded with the National Police Headquarters ensures for the Prosecution Service to use remote hearing toolkits

of the police, if necessary. From 2020, the Prosecution Service uses the ePostakönyv (ePostadmin) application developed by the Magyar Posta Zrt. (Hungarian Postal Services Plc.) to create electronic mailing lists. The Office of the Prosecutor General was actively involved in the project aimed at setting up the Central Registry System for Evidence (KBR), which is to record items seized in the course of criminal proceedings by the National Tax and Customs Administration. In consortium with the Ministry of Justice, the Office of the Prosecutor General submitted a project application under a call for proposals in the Internal Security Fund Program. The aim of this project is to develop an e-Evidence System in Hungary built on the IT bases of the European e-CODEX, capable of sending and receiving European Investigation Orders and requests for mutual legal assistance.

The joint IT working group set up by the Office of the Prosecutor General and the National Office of the Judiciary to coordinate IT developments in the Prosecution Service and the Judiciary continued to act as a consultative forum in 2020, taking into account the common and mutual tasks of the two organizations. This facilitated the joint management of the challenges posed by the coronavirus pandemic to a great extent. The heads of the two organizations signed a cooperation agreement to ensure access to the electronic case management system of the courts, and the Prosecution Service has created the IT conditions to connect to the Clients' File Access System of the courts.

In 2020, the Prosecution Service was also a key participant in the national electronic archives project of the Hungarian National Archives, and it continuously provided data from its database which processes case management data of the prosecutorial activity of the field of criminal law.

As far as the international cooperation of the Prosecution Service is concerned, it must be highlighted that the IT staff was involved in the implementation of the Eurojust Decision. The system created by the Prosecution Service ensured national access to Eurojust's internal case management system in 2020, too.

In 2020, the Prosecution Service also performed the duty of providing public interest data electronically, as defined by law. In addition to the requirements set forth in the context of the freedom of information, publications by consolidated notice, information and statistical data – which, as experience shows, the public may be most interested in – were regularly published on the official website of the Prosecution Service (www.ugyeszseg.hu).

Statistics of the Prosecution Service

The Prosecution Service carries out its official statistical activity as a member of the Official Statistical Service in accordance with Act CLV of 2016 on Official Statistics.

By collecting and disclosing data originating from its data collection activity, the Prosecution Service provides a realistic and objective picture about crimes, prosecutors' activity in criminal courts, as well as about the case management data regarding prosecutors' activity in and outside the field of criminal law. The Prosecution Service collects statistical data within the framework of the Government's national statistical data collecting programme.

The Prosecution Service is actively involved in the generation and development of statistical data. The representative of the Office of the Prosecutor General is a member of the National Statistical Coordination Board, and delegates of the Prosecution Service take part in the activity of the Board's thematic working groups.

The Standard Criminal Statistics of Investigation Authorities and Prosecutors (ENyÜBS) is a joint data collection system of the Office of the Prosecutor General and the Ministry of Interior. The Prosecution Service participates in this system both as a data custodian and as a data provider.

In 2020, it was again the Office of the Prosecutor General that coordinated data collection on behalf of Hungary during the 6th

publication of the European Sourcebook of Crime and Criminal Justice Statistics. This included the transmission of national data regarding the activities of the police, the prosecution service, the judiciary and the penitentiary system.

9. Financial conditions of the operation of the Prosecution Service

In 2020, the necessary financial resources were also available within the budgetary chapter of the Prosecution Service. In the financial management, special emphasis was laid on ensuring the daily operation, and special attention was given to increase the number of available IT devices, to cover the increasing operational costs due to the territorial growth and modern infrastructure of the newly occupied buildings.

Last year the appropriations allocated for the performance of professional duties of the Prosecution Service decreased by 599.1 million HUF compared to the original appropriations set in 2019.

Due to changes in appropriations, adjusted expenditure appropriation rose by 11% in the reporting year.

Personnel-related expenditures and contributions relating thereto made up 87%, developments 4% and operational costs 9% of the used appropriations.

The sum used for personal allowances (38,377.6 million HUF) guaranteed that payments prosecutorial employees as individuals are entitled to and are provided for by PECA as well as payments falling under the category of external personnel allowance would be sufficiently covered.

4,240.2 million HUF was spent on non-personnel expenditures, which was by 867.9 million HUF less than non-personnel expenditures of the previous year. 50.5% of the non-personnel expenditures was spent on service expenses (rental fees, costs

of maintenance and repair etc.), 12.1% on the acquisition of professional and operational materials, 17.7% on the operation of the national computer network of the Prosecution Service, 0.1% on official trips to foreign countries, 0.8% on other non-personnel expenses, and 18.8% on VAT-related expenses and payments.

In 2020, 2,799.6 million HUF was available to cover cumulative expenses in the budgetary chapter, which, due to in-year changes in appropriations – mainly due to the budgetary balance of the previous year – and due to the financial scheduling of several-year-long investments changed to 4,977.3 million HUF.

In 2020, 52.1 million HUF was loaned interest-free by the Prosecution Service as employer to employees for home purchase purposes. Altogether 21 persons were given such loans, on average, 2.5 million HUF.

As far as changes in assets are concerned the net value of real estates and relating property rights decreased by 65.6 million HUF. The balance sheet value of intangible assets increased by 178.7 million HUF, the net value of machines, equipment, accessories and vehicles by 9.4 million HUF, and the value of incomplete investments decreased by 176.4 million HUF.

In 2020, the Office of the Prosecutor General took the same actions necessary for prudent management and implemented them, and continuously monitored and analyzed the liquidity of the chief prosecution offices. In addition to providing the basic personal and material conditions for the performance of the professional tasks, the budgetary chapter also paid special attention to creating the conditions of continuous operation and liquidity.

10. Scientific activity of the prosecution employees and the National Institute of Criminology

Prosecutors are respected participants of the community of scientific legal experts, their articles, studies and essays are regularly published, and they are also authors of handbooks, university textbooks and other publications used in higher education. Every superior leader of the Prosecution Service has a scientific degree. 30 prosecutors, junior prosecutors and 17 other prosecutorial employees have acquired academic titles: 5 of them have obtained a habilitation degree, and in the reporting year 2 persons were members of the Hungarian Academy of Sciences. 45 prosecutors, junior and trainee prosecutors as well as non-prosecutor employees are Ph.D. students at various universities. Close to 100 prosecutors, non-prosecutor employees and researchers are lecturers and examiners at faculties of law of universities, various higher educational institutes and postgraduate programs. 84 prosecutors are on the board of examiners of bar exams.

As a scientific and research institute, the National Institute of Criminology carries out comprehensive researches on the causes of crime, the possible ways of crime prevention, and on the current theoretical and practical issues of criminality and law enforcement.

The results and outcomes of researches of the National Institute of Criminology are used in the codification and law interpretation activity of the Prosecution Service, they enrich the theoretical achievements of criminal sciences, and they are also used in higher education and postgraduate studies.

In the reporting year, 34 research programs were carried out. Researchers of the National Institute of Criminology authored 99 publications, out of which 9 were published in foreign languages. They held altogether 50 lectures and presentations at various conferences and other professional events, out of which 6 were delivered in foreign languages.