

***Report on the activities of the Prosecution Service
to the Hungarian Parliament***

2013

(extract)

1. The structure and organization of the Prosecution Service

Duties of the Prosecution Service are defined primarily by the Fundamental Law of Hungary, and by cardinal acts such as Act CLXIII of 2011 on the Prosecution Service (hereinafter referred to as *APS*) 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 *ASPGPOPEPC*).

APS provides for the different levels of the Prosecution Service, and it stipulates that independent chief prosecution offices or district level prosecution offices may be established to conduct prosecutorial investigations or perform other prosecutorial duties in other justified cases. The structure of the Prosecution Service shall otherwise be decided by the Prosecutor General.

The structure of the Prosecution Service, having been substantially reorganized as of 1st January 2012, appropriately ensures that prosecutors' duties and responsibilities are fulfilled. Due to this rationalization, carried out within the law and effective as of 1st October 2013, the efficiency of the Prosecution Service has further increased. In order to separate the management of the professional and functional structural units, a new management level was created at the Office of the Prosecutor General by the establishment of the Secretary General's position. Another change the reorganization brought about was that the Department for International and European Affairs, the Department for Legal Representation and the prosecutorial activity involving the protection of public interest concerning juveniles were drawn into the supervision of the Deputy Prosecutor General for Public Law. In connection with the latter, the Department operating at the Office of the Prosecutor General which formerly performed tasks also relating to criminal cases involving juvenile delinquents was renamed as the Department of Criminal Cases of Children and Juvenile Offenders. The national direction of the field of prosecutorial activities regarding the supervision of the enforcement of punishments was also drawn into the competence of the Deputy Prosecutor General for Public Law. This field together with the protection of public interest activities of prosecutors constitutes the Prosecution Service's tasks outside the field of criminal law. This report reflects the work of the Prosecution Service in view of the reorganization.

Invariably, 5 appellate chief prosecution offices and 21 chief prosecution offices (the Chief Prosecution Office in Budapest, 19 county chief prosecution offices and the Central Investigative Chief Prosecutor's Office) worked under the direction of the Office of the Prosecutor General last year, whereas the number of local-level (district, investigative, Budapest-district and public interest protection) prosecution offices altogether amounted to 137.

The year 2013 brought changes in the leadership of the Prosecution Service. Upon my recommendation, the President of Hungary established that Dr. András Zs. Varga's appointment to the position of Deputy Prosecutor General ceased by law

as of 31 August 2013, and Dr. István Lajtár was appointed to be Deputy Prosecutor General as of 1 October 2013.

2. Prosecutors' activities within the field of criminal law

A considerable amount of prosecutors' activities comprise criminal law tasks. Article 29 of the Fundamental Law of Hungary defines the Prosecution Service as the central actor of punitive power. The fundamental task of prosecutors as public accusers is to exclusively enforce the State's demand for punishments.

The year 2013 proved to be a particularly great challenge for prosecutors working in the field of criminal law. Act C of 2012 on the Criminal Code entered into force on 1 July 2013, and provisions of both the General and Special Parts therein were significantly altered.

Supervision of investigations, preparation of indictments and prosecutorial investigations

In 2013 the number of recorded cases awaiting to be processed was 901,635 (2012: together with cases from the field of supervision of punishments this number was 980,426.) In 2013 377,829 crimes were registered, which, compared to the previous year, means a 20% decrease (2003: 413,343, 2004: 418,883, 2005: 436,522, 2006: 425,941, 2007: 426,914, 2008: 408,407, 2009: 394,034, 2010: 447,186, 2011: 451,371, 2012: 472,236). The number of registered criminal offenders increased from 108,306 (2012) to 109,876 (2013). In 2013 103,672 criminal offenders were registered (2010: 122,529, 2011: 112,895, 2012: 100,239).

In 2013 investigative bodies of the Prosecution Service received 11,341 (2008: 7,128, 2009: 8,124, 2010: 9,250, 2011: 8,888, 2012: 10,590) criminal complaints. Prosecutorial investigations were ordered in 4,623 cases, while the number of completed investigations amounted to 7,715. (The latter number also concerns investigations completed during the period in question, incomplete from the previous year and cases taken over by the Prosecution Service after their investigation had been ordered.)

In 2013 the central unit of the Central Investigative Chief Prosecutor's Office received 1,156 cases, which indicates a 11,2% decline compared to the 1,302 cases received in the previous year. Out of the received cases 691 were ones in which criminal complaints were filed, while in 451 cases documents of other nature were submitted. In 14 criminal cases proceedings were initiated under separate case numbers due to severance of cases. The Central Investigative Chief Prosecutor's Office ordered investigations in 71 cases – in 24 cases following the supplementation of criminal complaints –, filed indictments against 76 defendants in 27 cases following the completion of investigations, and it ordered the discontinuation of investigations in 79 cases.

The 5 regional offices of the Central Investigative Chief Prosecutor's Office received 3,025 cases (2012: 3,048) in 2013. From the received cases 2,297 were

ones in which criminal complaints were filed, while in 728 matters the lodged documents were of other nature. The cases where criminal complaints were filed included 280 matters subject to non-military criminal proceedings, which constituted 12% of the cases. Investigations were commenced in 28 cases for the commission of corruption crimes.

In 2013 investigative prosecution offices with county and Budapest capital city jurisdiction took measures completing criminal proceedings in 15,761 cases (2012: 12,271). Out of these cases criminal complaints were dismissed on 4,225 occasions, investigations were ordered to be discontinued in 5,969 cases, indictments were filed in 4,788 cases, and investigations were ordered to be completed in other ways in 779 cases.

By supervising investigations and based on their power defined by law, prosecutors ensure that independent investigations conducted by investigative authorities are lawful and carried out in a way that enable them to decide about whether to press charges.

In 2013 prosecutors examined altogether 509,245 decisions and orders issued by investigative authorities including cases incomplete from the previous year. This shows a 1,2% drop compared to 2012. The great majority of the decisions and orders issued by investigation authorities, namely 492,334 (96,7%) ones, were acknowledged by prosecutors, whereas with regard to 6,697 decisions and orders prosecutors requested the submission of predicate documents, but found no reasons for taking actions. Following their examination, the decisions and orders from investigation authorities were modified by prosecutors in 4,652 cases (0,9%), and without any modification to such decisions and orders other measures were taken by them in 5,562 cases (1,1%).

In the year of the present report the number of cases where direct prosecutorial supervision over the independently conducted investigations of investigative authorities was exercised rose by 3,6% compared to 2012 (2007: 6,951, 2008: 6,911, 2009: 7,671, 2010: 7,127, 2011: 5,801, 2012: 5,711, 2013: 5,915). The volume of measures taken on the basis of case files and documents showed a repeated increase compared to the previous year (2011: 11,740, 2012:13,328, 2013: 14,878).

The number of complaints lodged against decisions and orders of investigative authorities and awaiting to be processed hardly decreased: 45,806 complaints had to be decided by prosecutors (2006: 9,592, 2007: 25,519, 2008: 34,981, 2009: 38,408, 2010: 46,542, 2011: 47,317, 2012: 47,352). Out of these complaints 26,633 ones were lodged against suspicions (58,1% of the total number of complaints awaiting to be processed), 3,981 against decisions dismissing criminal complaints, 1,245 against decisions ordering the suspension of investigations, and 7,113 against decisions ordering the discontinuation of investigations. 1,607 complaints were filed against custodial arrests, 1,109 against house searches, 1,529 against seizures and 2,589 were lodged for other reasons.

9,5% of the complaints were upheld, 80,2% of them were rejected and the remaining part required other actions to be taken.

Complaints may be lodged against prosecutors' decisions, orders, measures and omission of measures made or taken prior to the filing of indictments. In 2013 7,361 complaints were lodged against prosecutors' decisions: 3,6% of them (267 complaints) were upheld, 92,6 % of them (6,814 complaints) were referred to superior prosecutors, and in 216 cases other actions were taken. 9,3% (781 complaints) of the 8,386 complaints lodged against decisions of lower-level prosecution offices and awaiting to be decided were upheld by superior prosecutors, 75,9% of them (6,369 complaints) were rejected, and with regard to 12% of them (1,003 complaints) other actions were taken. The number of motions for review filed against prosecutors' decisions totaled 50, and one motion was upheld by the court.

Prosecutors themselves shall decide about criminal complaints filed with them except for cases where prosecutors entrust investigative authorities with the task of ordering criminal complaints to be supplemented. Prosecutors shall decide about criminal complaints even if they have the exclusive right to investigate or if they have ordered so for other reasons. In 2013 altogether 24,280 criminal complaints, including the 123 ones that were still undecided on the first day of the reporting period, had to be decided. On the final day of the year, 256 criminal complaints remained to be decided.

Based on criminal complaints prosecutors ordered investigations on 11,282 occasions (47%), dismissed 3,619 criminal complaints (15,1%), and ordered 4,097 criminal complaints to be supplemented (17,1%). Based on the supplemented criminal complaints prosecutors ordered investigations into further 915 cases; thus, altogether 12,197 investigations were ordered. The supplementing of criminal complaints resulted in the dismissal of criminal complaints in 1,773 cases, which accordingly totaled 5,392 dismissals. Based on criminal complaints other actions were taken on 5,026 occasions (20,9%).

In 2013 there were 8,051 cases where submissions for suspects' pre-trial detention were filed with prosecution offices. Out of these cases prosecutors motioned the pre-trial detention of 6,442 defendants (80%), and prosecutorial motions for the pre-trial detention of 231 defendants were filed without any submissions from the investigative authorities. This means, that altogether 6,673 defendants' pre-trial detention was motioned with investigative judges (2007: 5,301, 2008: 5,660, 2009: 5,960, 2010: 6,355, 2011: 6,245, 2012: 5,861). Courts ordered the pre-trial detention of 6,098 defendants (91,4%), while, instead of pre-trial detention, they issued restraining orders prohibiting leaving the territory of residence against 169 defendants and used house arrests against 148 defendants. Pre-trial detention lasted for up to one month maximum in 1,356 cases, for a period between one and three months in 1,312 cases and for between three and six months in 2,210 cases. In 297 cases the length of pre-trial detention (4,5%) exceeded one year.

The most significant action following the investigation is the filing of indictment, which is subject to prosecutors' decision acting as public accusers. In 2013 the total number of completed investigations received from investigative authorities with indictment proposals and awaiting to be indicted was 115,947 (2008: 113,217, 2009: 118,887, 2010: 127,893, 2011: 122,822, 2012: 112,344). Together with 6,696 unprocessed cases incomplete from the previous year, 122,643 cases had to be examined (2012: 119,278) as to whether they were suitable for indictment.

From the 122,643 cases prosecutors filed indictments in 61,970 matters (50,5%), discontinued investigations in 15,626 cases (12,7%), postponed indictments in 8,341 cases (6,8%), referred cases for mediation in 3,961 cases (3,2%), and they suspended investigations in 75 cases (0,1%). The types of indictment showed the following division: prosecutors filed indictments in 34,756 cases, acted in special proceedings of arraignment against defendants in 13,532 cases, filed motions for proceedings without holding trials (special proceedings of omission of trials) in 15,694 cases, and motioned cases to be adjudged in open session of courts (proceedings upon waiver of trial) in 43 cases.

The number of cases awaiting to be processed upon proposals for the discontinuation of investigations totaled 6,228. Out of these cases prosecutors discontinued investigations on 5,073 occasions (81,5%), filed indictments in 88 cases, postponed indictments in 69 cases, and referred 6 cases for mediation. Prosecutors suspended the investigation of 14 cases. On the first day of the year of the report the number of unprocessed cases was 247.

Actions necessary upon proposals for indictment were taken within 30 days in 97,362 cases (83,3%), between 30 and 60 days in 11,654 cases (10%) and over 60 days in 7,918 cases (6,8%). The 90-day deadline for processing cases was exceeded in 3,384 cases.

In the year of the report, 4,467 defendants' cases were referred to mediation (2011: 4,382, 2012: 4,446), while 3,540 requests for mediation were rejected by prosecutors (2011: 3,640, 2012: 3,293). Having regard to their efficiency and successful outcome, prosecutors discontinued proceedings against 2,952 defendants. Following mediation proceedings prosecutors postponed indictments against 399 defendants and filed indictments against 747 defendants.

In 2013 prosecutors postponed indictments against 10,877 persons (2008: 6,715, 2009: 6,974, 2010: 8,168, 2011: 8,666, 2012: 9,103). The efficiency of this legal instrument is well reflected by the following statistics: after the expiry of deadlines bringing effective results, proceedings against 5,193 defendants were discontinued, and discontinuing proceedings against 737 defendants was made possible due to the fact that defendants fulfilled the requirements set. Filing indictments was necessary only against 1,588 defendants.

It is a fact to be welcomed that the number of defendants in whose cases indictments had to be postponed grew by 19,5%, whereas the number of cases

referred to mediation practically remained unchanged (a 0,5% increase could be discerned).

Prosecution activity

Prosecutors in the Prosecution Service whose responsibility is to prosecute criminal cases shall enforce the State's demand for punishments in court, and they shall contribute to the compliance of judgments with all requirements by law. Prosecutors represent the accusation in court; they may act and make certain decisions with respect to criminal charges. Before courts deliver judgments, prosecutors are entitled to file motions and make observations concerning all the issues and questions of the cases in question, and they shall also be entitled to exercise all the rights concerning legal remedy, guaranteed by the Code of Criminal Procedure.

In 2013 courts delivered final judgments in 59,296 cases (2012: 62,153), with regard to 78,684 defendants (2012: 83,053).

One of the most important fields of prosecutors' activity in criminal courts was their attendance and participation in criminal trials last year as well. In 2013 one or more day long trials at first instance were held concerning 66,463 defendants (2012: 68,131) in 48,742 cases (2012: 49,764).

Out of cases finished in second-level proceedings (appeal proceedings) it was in 813 cases (2012: 788) that decisions on the merit were made at trials attended by prosecutors. The ratio of cases where prosecutors represented their viewpoint in person in open sessions of courts not requiring mandatory attendance of prosecutors should also be taken notice of. In 2013 prosecutors attended open sessions of courts in 2,057 cases accounting for 23,2 % of open sessions of courts (2012: 2,147 cases, 23,8%). In 2013 decisions on the merit became final in third-level proceedings with respect to 176 defendants (2012: 150) in 148 cases (2012: 124).

Prosecutors of the Office of the Prosecutor General elaborated their standpoint in extraordinary appeal proceedings in the Curia in 339 cases (2012: 248) on 140 trial days (2012: 117), which shows an increase compared to the previous year.

Encouraging special proceedings, the objective of which is to speed up and enhance the efficiency of criminal proceedings, was considered to be a priority task by prosecutors even in 2013. When looking at special proceedings, it must be highlighted that the number of defendants whose case was adjudged in arraignment proceedings markedly rose to 11,484 (2012: 8,675). By this, speedy proceedings were conducted with respect to 14,6% (2012: 10,5%) of the defendants. Prosecutors' initiation to conduct arraignment proceedings led to a successful outcome in 94,7% of the cases.

In spite of the largely restructured regime of criminal sanctions, the ratio of punishments and measures in the reporting period essentially remained similar to

the ratio of the previous years: courts imposed punishments on 57,522 defendants (2012: 58,291). Imprisonments remained the most frequently imposed punishments.

In 2013 40,6%, while in 2012 39,7% of the defendants were concerned with forms of appeal. The efficiency of prosecutors' appeals did not change: it was 52,7%. 79,2% (2012: 78,4%) of prosecutors' appeals aimed at the imposition of more severe punishments. The efficiency rate of appeals aimed at the imposition of more severe punishments was 26,6% (2012: 28,9%), which displayed a moderate decrease.

The efficiency of indictments still indicated favourable statistics: its rate was 96,4% (2012: 95,9%).

In 2013 cases overruled by courts of second instance concerned 8,62% (2012: 8,1%) of the defendants. The ground for such overruling was mostly that cases were unfounded. Courts of third instance set aside cases with regard to 17% (2012: 19,33%) of the defendants.

The number of petitions for review again showed further growth compared to the marked increase noticed in the recent period. In 2013 prosecutors made statements to the Curia with respect to 478 (2012: 425) petition for review cases. The efficiency rate of petitions submitted by prosecutors for review was highly favourable as the Curia's judgements were in agreement with the position of the Office of the Prosecutor General in 89,9% of the cases.

Prosecutors filed motions of appeal in 8 cases (2012: 6). In those 5 cases that have been adjudged so far, the Curia ruled in favour of the motion filed by the Office of the Prosecutor General.

While prosecuting, prosecutors were faced with several questions arising as a result of the new Criminal Code, having entered into force this year. Consequently, the significance of uniformity decision proceedings, whose purpose is to ensure the uniform application of law, rose, and the number of motions for uniformity decisions filed by the Prosecutor General or by the Curia increased accordingly. The Prosecutor General filed motions for uniformity decisions in 3 cases, and out of these 3 cases one ended with the intended result. 3 motions requesting prosecutorial statements to be made were received from the President of the Council of Uniformity Decisions of the Curia. In these issues the Council of Uniformity Decisions agreed with the position elaborated in the prosecutorial statement.

Prosecutors' activities with regard to criminal cases of children and juveniles offenders

As regards the structure of adult and juvenile offenders it can be established that, similarly to recent years, 9,9% of the registered offenders were juvenile offenders in 2013. The number of registered children offenders (2,196 persons) diminished compared to an average of 2,500 persons observed in the recent years.

As far as juvenile offenders are concerned, one of the significant provisions introduced by the new Criminal Code, having been in force as of 1st July 2013, is

that the age of criminal liability was extended to include minors between the age of twelve and fourteen for the commission of offences specified by Section 16 of the Code. In 2013, 19 offenders between the ages of twelve and fourteen were interrogated as suspects in 18 cases: one case was initiated for the commission of battery causing life endangerment, whereas the other cases for the commission of robbery. The most typical crime was the felony of robbery committed in gangs, jointly with co-actors between the age of fourteen and eighteen (15 persons).

In the reporting period, the number of cases relevant for this branch of prosecutorial activity and received from investigating authorities with indictment proposals amounted to 12,938, while the number of cases sent by such authorities with proposals to discontinue proceedings equaled 474. As a result of corrections made at the beginning and end of the year it can be established that prosecutors dealing with juvenile offenders' cases processed altogether 13,585 cases, which, compared to the statistics regarding all the prosecutorial activities within the field of criminal law, indicates 11% of the cases received.

Out of the records of completed investigations prosecutors processed 87% (2012: 84%) of the records received with indictment proposals and 94,7% (2012: 94,6%) of those sent with proposals to discontinue proceedings within 30 days, while they processed 98,3% (2012: 95,8%) of the cases within 60 days. In this field of prosecutorial activity a notable improvement occurred with the meeting of case processing deadlines.

As regards the number of arraignment proceedings, breaking the tendency of decreases observed for several years (2012: 244 cases, 270 juvenile defendants), a significant increase occurred in 2013, when 376 juvenile defendants were arraigned in court in 362 cases. Proceedings without holding trials were motioned by prosecutors in 1,231 cases (2012: 1,143), which, compared to the statistical data of the previous year, means a 7,7% growth. Prosecutors postponed indictments against 1,984 defendants (2012: 1,840), which shows a 7.8% growth.

In the reporting period prosecutors filed indictments against 414 juvenile defendants following the postponement of indictments. The number of cases referred to mediation was 527, almost equaling the number of such cases (524) from the previous year. At the same time, the number of indictments following mediation proceedings further increased: indictments had to be filed in 85 cases (2012: 73). 1,748 juvenile offenders were reprimanded by prosecutors.

In the reporting period, prosecutors filed indictments against 9,845 juvenile offenders, in 4,977 cases. At the time of the indictments 213 persons were in pre-trial detention and 10 persons were held in custody. At the time of the indictments, some forms of coercive measures were being used against 4.05% of the accused.

In 2013 courts delivered final decisions in 4,357 cases with regard to 5,830 juvenile defendants. Courts' decisions were in agreement with 87.07% of prosecutors' motions, so court decisions reflected the same view as those included in prosecutors' indictments and final motions concerning 5,076 juveniles accused of crimes. In the reporting period appeals were lodged by prosecutors against

decisions of courts of first instance with respect to 280 accused persons. Courts of second instance agreed with prosecutors' standpoint concerning 141 accused persons. Proceedings by courts of third instance were conducted in 4 cases concerning 5 accused persons.

In cases where final judgments were made, courts sanctioned 5,624 defendants by imposing punishments (2,438 persons), supplementary punishments (265 persons) and measures (4,373 persons) on them.

The efficiency rate of indictments in cases that fell into the competence of prosecutors dealing with criminal cases of children and juvenile offenders was 98,3%, which is equivalent to the average of the previous years.

3. Activities of the Prosecution Service outside the field of criminal law

Prosecutorial tasks relating to the protection of public interest

As contributors to the administration of justice, prosecutors exercise their power to protect the public interest by virtue of their right to file lawsuits as well as by their right to actions. Legal means necessary for the performance of their tasks are defined partly by APS and partly by separate Acts of Parliament.

In the reporting period the number of cases relating to the protection of public interest was 210,789.

The number of petitions and petitions for review received from private individuals and external bodies requesting prosecutorial actions was 4,491. Petitioners continued to file petitions in connection with public administration, contravention proceedings, associations and foundations, protection of environment and nature, and construction cases.

In order to remedy violations of law, prosecutors issued reminders in 3,187 cases, indicative letters in 3,629 cases, initiated proceedings of public administration authorities in 406 cases, and proceedings for the determination of liability on 1,717 occasions. 61,794 apprehension warrants were issued, 107,234 decisions ordering the termination of contravention proceedings were subjected to legality reviews, and 1,400 complaints were decided.

In the reporting year altogether 19,621 civil law cases were filed with the prosecution service. A significant amount of these cases (8,918) were received from courts. In 2013 prosecutors filed lawsuits in 1,398 cases, while the number of appeals amounted to 553. In 22 cases prosecutors requested judicial review from the Curia of final judgements and of lower court decisions on the merit that had become final.

Review of legality

Based on data and information about violations of law, the Prosecution Service, similarly to practices of the previous years, reviewed the legality of

decisions of public administration authorities in the most various fields of public administration (taxation, real estate register, commerce, social support, guardian court and administrative traffic offence cases etc.) During such reviews the remedying of unlawful decisions of public administration authorities violating the public interest and the rights of persons incapable of enforcing their rights efficiently gained paramount importance.

In 2013 the Prosecution Service paid special attention to its activities aimed at protecting the environment, nature and consumers. Chief prosecution offices filed 19 reminders in cases concerning the protection of environment and nature where violations of law affected the merit of decisions, and 18 reminders in consumer protection cases. 48-48 indicative letters were submitted to environmental inspectorates and to the consumer protection inspectorates of government offices, respectively.

The initiation of proceedings of public administration authorities became effective measures for prosecutors to exercise their right to action against unlawful conducts proven to be harmful for the environment. Moreover, the initiation of such proceedings also served preventive goals. Prosecution offices initiated proceedings of public administration authorities relating to the protection of environment and nature in 376 cases (2012: 198 cases).

Prosecutorial approval is needed for the application of certain coercive measures ordered by authorities of public administration. To obtain approval for apprehensions applied in administrative proceedings 1,193 petitions were submitted to prosecution offices in 2013. Similarly to the previous years, approval was rejected in 64 cases, which slightly exceeds 5% of the petitions.

Cases received in relation to prosecutors' activities in contravention matters, excluding apprehension warrants, dropped by 10,5 % compared to the previous year. Prosecutors decided 1,400 complaints, which shows a 21,5% increase compared to the previous year, and more than one fourth of these complaints (389 cases) led to prosecutors quashing the decisions complained of or caused them to order the continuation of contravention proceedings. A notable increase was observed in the number of apprehension warrants: instead of 20,999 warrants from the previous year 61,794 warrants were received. Apprehension warrants were quashed in 4,873 cases. In contravention matters of 2013 (which indicate a 10% decline in their total number compared to the previous year) prosecutors issued 2,673 reminders, 2,567 indicative letters and initiated 1,035 proceedings for the determination of liability.

With the exception of contravention and administrative traffic offence cases, the number of petitions and reported incidents received by the Prosecution Service slightly decreased in all subject matters.

In case clients' petitions relating to proceedings of public administration authorities are filed, prosecutors examine whether a serious violation of law has occurred that influenced the merit of the decision, which may give reason for prosecutors to exercise their right to action in order to protect the public interest,

and to restore legality. The Prosecution Service found that exercising the right to action was necessary with regard to 11,5% of the petitions: it issued reminders in 293 cases and indicative letters in 127 cases. Prosecutors rejected 30% of the petitions following the examination into the merit of cases.

34% of the 4,491 petitions, received within the scope of review of legality cases, related to administrative traffic offence proceedings having been initiated for traffic violations or to contravention proceedings. One fourth of the reminders and almost 36% of the indicative letters issued by prosecutors raised objections against decisions of bodies and authorities imposing administrative or contravention fines.

The majority of reminders were accepted by the recipients. There were three cases where public administration authorities failed to comply with their procedural duties. In order to contest the rejection of reminders issued with respect to the aforesaid non-compliance of public administration authorities, prosecutors initiated non-litigious proceedings, as a result of which courts ordered the public administration authorities to conduct their proceedings.

Prosecutors' activity relating to civil law cases

Within reviewing formal decisions of public administration authorities, to have unlawful decisions ordering the registration of arable land property acquired by citizens of EU Member States revoked, and in view of the rejection of reminders issued in 2012, county prosecution offices filed lawsuits for the annulment of formal decisions ordering land registration. In cases where facts were assessed identically by courts, courts ruled in favour of the prosecutors on 26 occasions and dismissed cases on 4 occasions. Prosecutors filed petitions for review to the Curia against judgements dismissing their lawsuits, whereas real estate registry offices as defendants in the proceedings or citizens of EU Members States acting as intervening parties did the same against judgements made in favour of prosecutors.

In environmental cases prosecutors filed 14 reminders that worked out successfully with business entities which were repeatedly fined for polluting and contaminating waters and the soil.

Last year prosecutors filed 47 lawsuits out of which 25 dealt with animal protection, 13 with the protection of nature, 9 with environmental protection. The majority of these lawsuits claimed injunction requiring the party concerned to refrain from a specific action, while the minority of the lawsuits claimed for damages. In already completed litigious proceedings courts ruled in favour of the prosecutors' requests.

In consumer protection cases reminders, as legal instruments used prior to lawsuits, tended to dominate in prosecutors practice (15 reminders were issued). Out of the 4 lawsuits filed by prosecutors in accordance with the amended provisions of the Consumer Protection Act, courts ruled in favour of prosecutors' requests in two cases.

Since 2008 prosecutors' offices had been paying increased attention to fraud-like incidents relating to real estates. In line with the complex prosecutorial approach, prosecutors exercise their right to action so as to draw civil law consequences as well.

The increasing public attention given to the more frequently occurring and harsher usurious business deals attributes significance to prosecutors' actions taken for the determination of nullity of contracts and for drawing legal consequences.

In 2013 prosecution offices acted in 58 cases regarding the unlawful acquisition of the ownership or use of arable land. Out of these 58 cases requests to take prosecutorial actions were received from high-rank state officials on 41 occasions. In the reporting period prosecutors filed 9 lawsuits to contest null contracts which violated legal provisions prohibiting and restricting the acquisition of arable land.

In 2013 due to general contract terms and conditions that proved to be unfair, 13 lawsuits were started mainly against financial service providers, insurance companies, and business entities dealing with real estate transactions.

In the reporting period the total number of substantive measures taken by prosecutors regarding the operation of foundations and associations was 13,726. The great majority of the lawsuits (1,065) were also filed against foundations and associations in order to restore legality or to terminate legal persons.

In 2013, during their involvement in company incorporation proceeding, prosecutors filed lawsuits for the annulment of company incorporation decisions (or decisions ordering the registration of changes in company data) in 58 cases, which number indicates a 10% growth. The number of cases, where prosecutors initiated legality supervision proceedings of companies, basically remained the same: such proceedings were commenced in 1,034 cases.

In non-litigious proceedings initiated for the issuance of restraint orders and falling into the authority of courts prosecutors shall exercise their right to action and file motions without any limitations. In 2013 prosecutors exercised their right to action in the aforesaid cases on 1,169 occasions (2012: 991), they filed 12 appeals and 4 petitions for review against unlawful decisions of courts.

In family law proceedings prosecutors took actions with regard to the rebutting the presumption of paternity, to the placement of guardianship, and to the termination of the parental right of custody on 667 occasions. In addition to this, 23 other lawsuits relating to personal status were initiated by prosecutors.

In the reporting period prosecutors' tasks in juveniles' cases constituted 7% (14,239 cases) of prosecutors' legality review activity, which shows a 2% reduction compared to the previous year. Although the number of orders and complaints ordering the discontinuation of contravention proceedings decreased by 32%, the number of apprehension warrants increased from 995 to 1,474, by 48%. The

number of priority measures taken by prosecutors in juveniles' cases grew from 646 to 683. The number of reminders diminished, whereas the number of indicative letters and initiations to conduct proceedings for the determination of liability increased.

In uniformity decision proceedings aimed at ensuring and developing the uniform application of law by courts, I filed 9 motions relating to the field of protection of public interest. I also elaborated on my position in proceedings defined by Section 274 (6) of Act III of 1952 on the Code of Civil Procedure.

Legality supervision over the enforcement of punishments

Similarly to the previous years, a priority task in the field of legality supervision over the enforcement of punishments and the protection of human rights (hereinafter: supervision over the enforcement of punishments) included the control of the enforcement of all punishment types, criminal measures, coercive measures severely limiting one's rights during criminal proceedings, other sanctions and limitations of rights prescribed by non-criminal laws from a rule-of law perspective.

Last year the scope of supervision over the enforcement of punishments was widened; as a result, prosecutors' tasks working in this field also increased. Indicators of prosecutors responsible for supervisions over the enforcement of punishments well reflect the workload in this field. In 2013 the number of complaints, petitions and reports filed with the Prosecution Service increased by 20% compared to the previous year.

Last year the Department for the Supervision of Punishments and Protection of Human Rights at the Office of the Prosecutor General received 124 (2012: 81) complaints filed against standpoints of chief prosecution offices rejecting complaints, requests and reports which related to the supervision over the enforcement of punishments. The Department for the Supervision of Punishments and Protection of Human Rights decided in favour of appeals in 23 cases (18,5%).

In 2013 prosecutors responsible for supervisions over the enforcement of punishments conducted 6,836 examinations. Out of these examinations 1,775 (26%) were conducted with work plan objectives. The fact that the rate of necessary examinations regarding criminal offences decreased by 31,6%, whereas this rate concerning unexpected events fell by 28,3% is evaluated as an achievement.

Continuously monitoring the legality of detainees' treatment has long been a priority task of prosecutors supervising the enforcement of punishments. Similarly to the previous years, detainees' treatment in Hungary, despite some occasional mistakes and deficiencies, generally complied with requirements set forth by international norms and recommendations as well as with the law in force. In order to remedy the occasionally discovered deficiencies prosecution offices took the necessary measures in each case.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) visited Hungary and conducted its monitoring on 3–12 April 2013. The work of the CPT delegation was efficiently assisted by structural unit of the Office of the Prosecutor General (Department for the Supervision of Punishments and Protection of Human Rights) acting as a liaison between the Hungarian Government and CPT. As usual, the conference closing CPT's monitoring was hosted by the Office of the Prosecutor General of Hungary.

4. The relationship between the Parliament and the Prosecution Service

Pursuant to Article 7 (1) of the Fundamental Law of Hungary Members of the National Assembly may address questions to the Prosecutor General of Hungary about any matter within their functions. In 2013 Members of the National Assembly addressed 31 written questions, 15 urgent questions and 3 questions to the Prosecutor General of Hungary.

In 2013 I initiated the suspension of the immunity of 7 Members of the National Assembly from criminal prosecution. In contravention cases the suspension of the immunity of Members of the National Assembly was requested for the commission of administrative traffic offences on 3 occasions. In all the 3 cases I initiated the suspension of immunity, but Members of the National Assembly waived their immunity before decisions thereon had been made.

5. International relations and activities of the Prosecution Service

In 2013 several bilateral meetings were held between the Hungarian and other European Prosecution Services represented at the highest level. On 14–16 April 2013, Gianfranco Ciani, Prosecutor General of the Court of Cassation in Italy and Antonio Mura, his Deputy, concurrently holding the position of President of the Consultative Council of European Prosecutors visited Hungary. Upon the invitation from Christoph Strötz, Prosecutor General of the Free State of Bavaria I went on an official visit to Munich on 29–30 April 2013. Dr. Ernst-Eugen Fabrizz, Austrian Prosecutor General of the Republic of Austria visited Budapest in 2012, and in return I made an official visit to Austria on 16–18 September 2013.

Similarly to the previous years, I actively participated in the work of various regional, EU and Pan-European networks and working groups whose membership consists of prosecutors or Prosecutors General.

Within the framework of annual meetings Prosecutors General of the countries of the Visegrad Four Group regularly discuss current issues arising in the EU. The Prosecutors General of the V4 Group held their meeting in Prague on 24–27 2013. The Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union is convened every half a year, and its actual meetings, held in The Hague, the seat of Eurojust, are organized by the country holding the current Presidency of the Council of the European Union. In the first half of 2013 it was the Deputy Prosecutor General for

Public Law who attended the plenary meeting of the Consultative Forum organized by the Irish Presidency. At the meeting hosted by the Lithuanian Presidency on 12–13 December 2013, I represented the Prosecution Service of Hungary in person. In May 2012 I was followed by the Prosecutor General of Poland in the position of the President for the Network of Public Prosecutors or Equivalent Institutions at the Supreme Judicial Courts of the Member States of the European Union (hereinafter: *Network*). In 2013 the Network held its plenary meeting with its theme being dedicated to the establishment of the European Public Prosecutor's Office, in Krakow on 15–17 May 2013. Since its establishment, the Prosecutor General of Hungary had been a member of the Consultative Council of European Prosecutors (CCPE), functioning as an advisory body of the Committee of Ministers of the Council of Europe. I contributed to the work of the CCPE by making a report and expressing opinions, and I was also actively involved in the discussions regarding the draft opinion.

The Prosecution Service pays special attention to its relations with bordering countries strengthening the judicial aspects of the fight against various types of cross-border crimes. Three events were organized in 2013: a meeting between the Chief Prosecution Office of Nógrád County and the Regional Prosecutor's Office in Banská Bystrica, one between a Romanian and Hungarian chief prosecutor, and a consultation between a Ukrainian and Hungarian chief prosecutor of the two bordering countries concerned.

In 2013 about 100 prosecutors attended close to 60 training-like international conferences, seminars, study visits and lectures as lecturers on several occasions. On the other hand, 68 coordination meetings held in particular criminal matters were attended by 87 persons who were delegated as international experts, contact points, invited experts, or lecturers.

Mutual legal assistance cases

The majority of MLA requests comprised requests submitted to and received from judicial authorities of EU Members States.

In 2012 1,637 while in 2013 1,976 (indicating a 20,7% increase) MLA requests were received directly from the judicial authorities of the Member States by the chief and district prosecution offices. The number of the direct MLA requests dropped slightly (by 1,3%): their number was 1,453 in 2012 and 1,434 in 2013.

In 2012 133 MLA requests whereas in 2013 38 MLA requests were forwarded abroad by the Department for the Supervision of Investigations and Preparation of Indictments. The number of received MLA requests by the same Department totaled 388 (2012: 373). The Prosecution Service of Hungary filed criminal complaints with foreign countries in 20 cases, and in 866 cases formal official decisions were served abroad.

In 2013 the Department for Serious and Military Cases took actions in altogether 722 international matters. This Department received 200 MLA requests from EU Members States, while it requested legal assistance from EU Members

States in 4 cases. Legal assistance was requested from third countries in 59 cases, while these countries requested legal assistance from the Department for Serious and Military Cases in 40 matters.

Last year 7,063 requests were received in contravention matters by the Office of the Prosecutor General, which displays a 56% growth compared to the previous year. Hungarian authorities requested legal assistance in 122 cases, while foreign authorities – typically Austrian bodies – did the same in 6,941 matters.

Tasks and activities of the Eurojust National Member for Hungary

Tasks arising from the Eurojust membership of Hungary are performed the Prosecution Service, and the relevant EU law was entirely implemented into the national law by deadline. Hungary is represented in the Eurojust by a prosecutor assigned to the position of the Eurojust National Member for Hungary by the Prosecutor General. His Deputy and Assistant are prosecutors from the Office of the Prosecutor General who perform their duties with a domestic place of work.

In 2013 the judicial authorities of the EU Members States submitted altogether 1,576 cases to the Eurojust. The number of new cases registered by the Eurojust College, requiring bilateral or multilateral coordination the Hungarian national desk had to deal with exceeded the number of the similar cases from previous year by 36, and it totalled 153. Out of these matters proceedings of the Eurojust were initiated by the Hungarian authorities, mainly by prosecutors, in 67 individual criminal cases, which shows a significant growth. With regard to the cases initiated and received by Hungary, our country again made a progress among the 28 Members States by taking place number 11 on the list.

The 40% increase of the Hungarian cases registered by Eurojust also derives from the obligation of information imposed on Members States, which requires them to inform each other electronically of matters for the avoidance of conflicts of jurisdictions as set forth by Article 13 of the Eurojust Decision. As a result of national developments, the technical connection enabling secure data transfer between the information systems of Eurojust and the Prosecution Service of Hungary was developed and entirely completed by 2013.

In 2013 the number of joint investigation teams, in which Hungary participated and which proved to be effective because of the mutual recognition of evidence and the financial support by the Eurojust, increased from 2 to 5.

The contact points of the European Judicial Network (EJN) delegated by the Hungarian Prosecution Service and the judiciary, as privileged partners of the Eurojust also joined the Eurojust National Coordination System. In 2013 the EJN contact point working at the Office of the Prosecutor General received almost 200 request aimed at facilitating judicial cooperation and at providing information, majorly in written form, minorly by phone. The majority of these requests were received from national prosecution offices and foreign judicial authorities.

6. The personnel of the Prosecution Service

Act XX of 2013 (hereinafter: *Maximum Age Requirement Act*) regarding amendments relating to the maximum age requirement applicable to various types of judicial employment relations, the Act also amending ASPGPOPEPC, resulted in changes to the status of employees of the Prosecution Service in 2013. The *Maximum Age Requirement Act* entered into force on 2 April 2013.

According to the amendments, the prosecution service relationships of prosecutors appointed by the Prosecutor General shall cease upon reaching the general retirement age specified by Article 29 (3) of the Fundamental Law of Hungary. This new provision, however, is only applicable from 1 January 2023. Until 31 December 2022, the maximum age requirement of the prosecution service relationship shall be the age limit specified by Section 165/C. of ASPGPOPEPC, and when this maximum age is reached, the prosecution service relationship shall cease by force of law [Section 41 (1) of ASPGPOPEPC]. The amendment of ASPGPOPEPC arranged the status of those former prosecutors whose service relationships ceased on the basis of Section 160 of ASPGPOPEPC, a Section subsequently repealed by the *Maximum Age Requirement Act*, or from 1 January 2013 until the entry into force of the *Maximum Age Requirement Act* by completion of the applicable old-age pension age. After the amendment of the ASPGPOPEPC in April 2013, out of the 101 prosecutors not having reached the 70 years of age only 19 requested their return to their former positions.

On 1 January 2013 the number of allotted positions in the Prosecution Service was 4,695, which number further increased until the end of 2014 and reached 4,771.

On 1 January 2013 the number of allotted positions for prosecutors was 2,014, and by some further growth until 31 December 2013, it amounted to 2,034. Compared to 1 January 2013, the number of prosecutors' positions divided between the various structural units of the Prosecution Service changed from 1, 998 to 2,002 until 31 December 2013. The number of positions filled in by prosecutors increased from 1,795 to 1,824. The number of vacancies at the beginning of 2013 was 203, and despite the appointments of 56 prosecutors it dropped to 198, which indicates a 9,7% lack of staff. While on the one hand 56 prosecutors were appointed, 27 prosecutors' service relationship terminated. The number of appointments was 18 positions less, whereas the number of terminations was 92 less than in the previous year.

In 2013 the number of allotted positions for junior prosecutors grew from 121 to 131, and out of the 131 positions 116 were filled on 31 December 2013. At the same time, the number of allotted trainee prosecutors' positions was 414, while the number of filled positions was 381.

In 2013 trainings focused on the preparation of would-be prosecutors (trainee and junior prosecutors) for their profession as well as on their further trainings. Prosecutors' training in the Prosecution Service was implemented in accordance with the annual training program. In 2013 the majority of the

employees of the Prosecution Service participated and was involved in some kind of training.

The Hungarian Centre for the Training of Prosecutors (MÜK), providing an institutional framework for the training of trainee and junior prosecutors, started the 8th year of its operation. In 2011 and 2012 altogether 300 new trainee prosecutors were admitted to the Prosecution Service. In 2013 further 39 vacant positions for trainee prosecutors were filled. Based on a four-semester uniform syllabus and training program, trainee prosecutors, despite their exceptionally large number, were successfully trained for their bar exam and were provided with the theoretical knowledge required for the exam. This theoretical training adequately complements the practical experience acquired by trainee prosecutors under the guidance of their instructors at the local offices of the Prosecution Service. As part of the central training, courses were organized for would-be prosecutors from classes of four years, divided in 9 groups and for 18 training weeks.

The priority area of education and a decisive tool of the professional direction of the Prosecution Service also influencing the efficiency of prosecutors' work is the continuous training of prosecutors. In 2013 25 centrally organized courses were held, and among these courses some were devoted to issues relating to the application of Act C of 2012 on the new Criminal Code and Act V of 2013 on the Civil Code, and such courses were attended by the entire prosecutor's staff.

Trainings are also organized for the non-prosecutor staff, including IT specialists, system administrators, occupational safety and health specialists, financial managers and administrators.

Supporting prosecutors' postgraduate studies and foreign language training in specialized courses remained to be priorities as well.

7. Information technology within the Prosecution Service

The Prosecution Service operates a national, remote data transport network (Praetor Net) connected to every office and premise of the Prosecution Service. The integrated data- and internet services necessary for the operation of this network are provided by the National Information Communication Service Ltd (see: Nemzeti Infokommunikációs Szolgáltató Zrt.), whereas the Prosecution Service has the ownership and the right for operation of network devices necessary for data protection and security.

From their offices and workstations more than 4,000 employees of the Prosecution Service have presently access to this network, which is able to secure continuous on-line access to applications and data. Under appropriate security measures, certain IT services may also be accessed by prosecutors when they are out of office. Prosecutors, for example, may also process electronic documents when they are in the courtroom.

In 2013 widening external relations and cooperation with partner organizations was considered to be the focal and most significant tasks of information technology duties in the Prosecution Service. At every structural unit of the Prosecution Service it is possible to download information from the databases of the Ministry of Public Administration and Justice, the Ministry of Interior, the National Police Headquarters, the Central Office of Public Administration and Electronic Public Services, as well as from database of detainees managed by the Hungarian Prison Service Headquarters. The Prosecution Service electronically informs the Coordination Centre against Organized Crime about data of crimes relating to organized crime defined by Act LXXV of 1999. The Office of the Prosecutor General concluded an IT cooperation agreement with the National Office for the Judiciary with the purpose of coordinating the IT development of the Prosecution Service and the Hungarian Judiciary. One of the first results of the cooperation is that the electronic transfer of bill of indictments has been started. The Prosecution Service continued this cooperation by being involved in the IT project of the eService Ticket System of the National Security Service, and it remained to be an important participant in the electronic archives project of the Hungarian National Archives Country Archives and in the pilot project of the Hungarian Post JSC assigned for the regulated electronic case management service.

The Prosecution Service directly records data in the Unified System of Criminal Statistics of the Investigative Authorities and of the Public Prosecution Service. The Prosecution Service is one of the data originators of the statistics reflecting crimes and law enforcement in Hungary in a most comprehensive way, and it participates in the work of the Criminal Statistics Working Group, which is responsible for directing and monitoring of such statistics.

By following structural changes and amendments to the law we are modernizing our case management systems, and registry and other databases. In 2013 all data collection was made electronic, and we also started to integrate the already existing case managements systems by using the electronic records and document management system (EIR), which is suitable for the attested and legally complying management of electronic documents received, made and forwarded by the Prosecution Service. The electronic records and management system was implemented as a result of a project entitled "Electronization of prosecutorial proceedings" within the framework of the Electronic Public Administration Operative Program (EKOP).

Thematic data about crime, law enforcement, prosecution and prosecutorial activities are issued and made public by the Prosecution Service both in their paper cover and electronic publications. Besides data belonging to the scope of the freedom of information, public procurement announcements, other information and statistics which seem to attract public interest the most are regularly published on our website (www.mklu.hu).

Upon individual requests received from non-prosecution bodies the Prosecution Service continuously provided statistics, and apart from participating in them, it supported the work of several international interdepartmental committees.

8. Financial conditions of the operation of the Prosecution Service

Last year 36,802.8 million HUF original expenditure estimates were made available for the professional duties of the Prosecution Service within its budgetary chapter. This amount was 66.8 million HUF less than in the previous year, which indicated a 0.2% decrease. In the reporting year, due to modifications of estimates based on different grounds, the modified expenditure estimates rose to 41,542.9 million HUF.

In 2013 the structure of available resources hardly changed compared to the previous years. The sources of expenditures were as follows: 92.3% of the expenditures were covered by supports allocated for the reporting year, a smaller ratio, namely 7.2% was secured by the residue of estimated expenditures from the previous year, and only 0.5% came from own incomes. Similarly to the previous years, 79.5% of the used estimates was made up by personnel-related expenses and related contributions, only 4.9% of them could be spent on developments and 15.6 % could be used on operational costs.

24,656 million HUF were used for personnel allowances. This sum covered the regular personnel allowances, and from the non-regular personnel allowances those ones that employees of the Prosecution Service as individuals were entitled to, the obligations defined by the ASPGPOPEPC, as well as the external personnel allowances.

4, 148.5 million HUF were spent on non-personnel expenses, which is 146,4 million HUF more than the amount used in the previous year. Similarly to the previous years, operating costs went up as a result of inflation, the growth in territory of newly acquired or refurbished office buildings being necessary because of the rise in the number of personnel of the Prosecution Service. Savings were made with stationeries, papers, reviews and periodicals. Expenses spent on low-value objects significantly increased.

The chapter initiated that 972,1 million HUF balancing reserves free of any liabilities from 2012 and assigned by the Government in Government Decree No. 1356/2013. (VI.24.) should be retained to cover the lump sum compensation duly payable in 2013 and the unpaid salaries for prosecutors who had been unlawfully relieved of their position in 2012 on the ground of reaching their retirement age. 914,2 million HUF were paid as lump sum compensation for damages and 22,7 million HUF as unpaid salaries.

In 2013 1,374 million HUF original estimates financed by supports were made available for cumulative expenses in the chapter. This sum changed to 2,851.8 million HUF, which was due to modifications of the estimates – mainly due to the residue from the previous year – in the course of the year.

The Prosecution Service managed to secure balanced conditions of liquidation in its budgetary chapter throughout the whole year. Creating smooth conditions of the daily operation, maintaining the level of supply with IT equipment

and devices, the reparation of such equipment, the rising operating costs resulting from the growing territory of newly acquired buildings and their modern facilities all became cardinal tasks.

9. Prosecutors' scientific activity and the National Institute of Criminology

Prosecutors are respected participants in academic legal research. Their essays and studies are regularly published in professional-scholarly journals. Several prosecutors are authors of handbooks, university textbooks, and other publications used for educational purposes in the higher education. There are 19 prosecutors and 41 employees of the Prosecution Service who possess academic titles. Three of them have been awarded the academic title D.Sc (Doctor of Science) and 31 prosecutors, junior prosecutors, trainee prosecutors are Ph.D. students at various universities on their own effort. Close to 70 prosecutors are university professors and lecturers at the legal faculties of Hungarian universities, at other institutions of higher education, or they teach subjects in postgraduate programs.

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

The Institute carried out altogether 46 research programs in the reporting year, out of which 31 programs were finished. The outcomes of researches, especially of those having been initiated by the Office of the Prosecutor General, were implemented in the codification and law interpretation activity of the Prosecution Service, and they also enrich the theoretical achievements of criminal sciences particularly in the field of criminal prevention and criminal policy. Their usage in the curricula and training programs of universities, colleges and postgraduate programs are also worth noting.

In the reporting year altogether 99 publications were issued, 20 of them in foreign languages. Moreover, in 2013 researchers delivered altogether 133 lectures and presentations at various conferences and professional forums, out of which 38 were held in foreign languages at 25 conferences abroad.