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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ACT CLXIII OF 2011**  
**ON THE PROSECUTION SERVICE\***  
**OF HUNGARY**

\* The Act was adopted by Parliament at its session on 28 November 2011.

## **Chapter I General Provisions**

### **Section 1**

(1) The Prosecution Service shall contribute to the administration of justice by enforcing the punitive authority of the State under the terms provided for in the Code of Criminal Procedure; it shall control, supervise and conduct the process of investigation to prepare charges, represent public prosecution in court proceedings and supervise the legality of penal enforcement.

(2) In order to protect public interest, the Prosecution Service shall participate in ensuring that every person observes the law. If legal regulations are violated, the Prosecution Service shall take action to protect legality in the cases and in the manner specified by legislation. Unless otherwise provided for by law, the Prosecution Service shall act whenever the body designated to terminate the illegality fails to take the necessary measures despite its duties laid down in the Fundamental Law, in other acts or legal regulations or in legal instruments issued to regulate a public body or whenever the prevention of the impairment of rights arising from malfeasance demands immediate action from the Prosecution Service.

### **Section 2**

(1) To perform the duties laid down in Section 1, the Prosecution Service shall

a) conduct investigation of the cases specified in the Code of Criminal Procedure (hereinafter: CCP) (prosecutorial investigation);

b) exercise supervision to ensure that investigative authorities conduct independent investigations in compliance with the provisions of law (supervision of investigation);

c) exercise other rights in connection with investigations as specified under law;

d) practise the public authority of formal accusation in its capacity as public prosecutor; represent the prosecution in court proceedings and exercise the rights to redress reserved for the Prosecution Service in the CCP;

e) monitor legal compliance with the provisions of law governing penalties, ancillary penalties, measures, coercive procedural measures depriving and restricting personal freedom, follow-up care and the implementation of criminal records, records of administrative offences and searches and participate in proceedings instituted by judges responsible for enforcement;

f) participate in the correct application of laws in court proceedings (prosecutorial participation in contentious and non-contentious proceedings conducted at court under civil, labour, administrative and financial law);

g) promote legal compliance by entities exercising public powers and handling out-of-court settlement;

h) give special attention to combating crimes committed by and against minors, to compliance with the special rules of procedure of administrative and criminal proceedings instituted against juvenile persons; participate in enforcing the rights of minors and launch proceedings to have the necessary child protection measures taken in the cases provided for by law;

i) perform its share of the duties relating to international treaties, particularly seeking and providing legal assistance;

j) perform the duties relating to Hungary's participation in Eurojust;

k) act as defence in lawsuits filed against the Prosecution Service with reference to legal violations or for damages relating to its activities.

(2) The Prosecutor General shall perform the duties specified by law directly or via competent prosecutors.

### **Section 3**

(1) The Prosecution Service shall be an independent constitutional organisation subject exclusively to law.

(2) The Prosecution Service shall perform the duties assigned to it in the Fundamental Law and in other statutes in the framework of a hierarchical organisation where employees responsible for decisions can be personally identified.

(3) The Prosecutor General shall not be instructed either directly or indirectly to hand down or change a unique decision of a specific content.

(4) The rights and obligations of a prosecutor relating to prosecutorial activities shall be defined in an Act of Parliament.

(5) Like Members of Parliament, the Prosecutor General and prosecutors shall be accorded immunity.

(6) The Prosecutor General shall be subject to the rules of procedure applicable in respect of the immunity of Members of Parliament. The suspension of immunity by Parliament shall require a two-thirds majority of the votes of representatives in attendance and the Speaker of Parliament shall take the necessary measure upon the breach of immunity.

(7) The Prosecutor General shall have the discretion to suspend the immunity of a prosecutor and to take the necessary measure upon a prosecutor's breach of immunity.

### **Section 4**

(1) Everyone shall ensure that prosecutors may exercise the rights granted to them by law without interference.

(2) Whenever a statute grants prosecutors the right to instruct, the bodies so instructed shall obey.

(3) When performing their duties in their official capacity, prosecutors may have unlimited access to documents created in the procedures of and the records kept by courts and other non-judicial organs of justice administration and may request copies of such documents and the provision of data on record. Prosecutors may request other organs exercising public authority, business entities and other organisations to provide data and documents. The head of the organ thus contacted shall respond to such request by the deadline set by the prosecutor. The collection of data and documents during criminal procedures shall be governed by the provisions of the Code of Criminal Procedure.

(4) Unless otherwise provided for by law or other legal provisions mandated by law, prosecutors proceeding in a case may enter the premises or rooms at the disposal of the organ or person affected by the procedure by presenting their identity cards.

(5) Prosecutors may employ consultants in the event establishing a fact as evidence affecting the judgement of a case requires special expertise.

## **Section 5**

(1) Prosecutors shall initiate criminal, disciplinary, administrative or regulatory proceedings upon becoming aware of non-compliance or omissions in contravention of the law, provided statutory conditions exist, or compensation procedures in matters relating to the enforcement of sentences. The addressee of such initiatives shall immediately return to the prosecutor a copy of its ruling on the substance of the case.

(2) Prosecutors shall evaluate petitions against official decisions, measures and omissions in contravention of the law, whistleblowing reports and indications of non-compliance (hereinafter collectively: petition). In the event prosecutors have no competence to investigate a petition addressed to them, they shall ensure its transfer to a competent organ.

(3) Prosecutors shall reject petitions they consider to be unfounded in a statement containing an explanation. Petitioners may appeal a rejection within 8 days of receipt of the statement in an appeal to the supervisory Prosecution Service. Petitioners shall be notified of this option.

(4) Unless otherwise provided for by law, ruling in substance may be rejected if the petition is not submitted by deadline, or by the entitled party or in case the Prosecution Service has evaluated the petition with identical facts or in case the petitioner fails to resort to the available legal remedy despite being informed thereof as required by law and in case a petition is submitted later than a year after the challenged decision becomes final and binding or after enforcement is ordered. The petitioner shall be notified that the ruling has been rejected and the reason thereof.

## **Section 6**

(1) The Prosecution Service shall form a separate chapter of the budget in the Act on the Central Budget.

(2) The Prosecutor General shall prepare a proposal for, and a report on the implementation of the budget of the Prosecution Service, which the Government shall submit to Parliament without any changes as part of the proposed legislation on the central budget and its implementation.

## **Section 7**

(1) Prosecutors and other employees of the Prosecution Service shall observe the Fundamental Law and legal regulations in the course of their work.

(2) Prosecutors shall act in line with legal requirements, in a consistent and fair manner and shall perform their duties as prosecutors according to their best professional knowledge. In doing so, prosecutors shall

a) cooperate with national and international courts, investigative authorities and other organs participating in the enforcement of criminal law, governmental, administrative and other organs involved in crime prevention, the representatives of science, defence counsels, bar associations and human rights organisations to promote fair and efficient law enforcement, prevent the contravention of law, ensure legality and protect human rights;

b) fulfil requests received from the prosecution services or other law enforcement authorities of other states with due respect for fundamental human rights, in compliance with legal requirements and in the spirit of mutual assistance;

- c) express objective and professional opinions when providing information to and expressing opinions for organs eligible for receiving such;
- d) exercise their discretionary power impartially, fairly, in compliance with legal acts and without submitting to external influence.

(3) Prosecutors shall

- a) not be members of organisations engaged in unlawful activities;
- b) declare to be prejudiced in respect of all matters they have a personal interest in;
- c) not request or accept gifts, donations or other advantages in connection with their activities;
- d) not misuse their official authority;
- e) live up to their profession in their private lives.

## **Chapter II**

### **The Organisation of the Prosecution Service, the Legal Status of Prosecutors**

#### **Section 8**

(1) The organisation of the Prosecution Service of Hungary shall include:

- a) the Office of the Prosecutor General,
- b) appellate chief prosecution services,
- c) chief prosecution services,
- d) district prosecution services.

(2) Independent chief prosecution offices or district level prosecution offices may be established for conducting prosecutorial investigation or to perform other prosecutorial duties in other justified cases.

(3) The Prosecutor General shall regulate the organisation, operation and scope of authority of the Prosecution Service by instructions.

(4) The instructions of the Prosecutor General shall be published in the official paper of the Prosecution Service, the Journal of the Prosecution Service and in the Official Gazette.

#### **Section 9**

(1) The Office of the Prosecutor General shall be an independently functioning budgetary organ with its own financial and economic management and a legal entity.

(2) The Office of the Prosecutor General, an appellate chief prosecution service, a chief prosecution service and a district prosecution service is headed, respectively, by the Prosecutor General, by an appellate prosecutor general, by a chief prosecutor and by a district prosecutor.

(3) The Prosecutor General, the deputy prosecutor general, heads of division of the Office of the Prosecutor General, chief appellate prosecutors and chief prosecutors may issue circulars to assist the operation and professional activities of prosecution services and cooperation between professional disciplines. Circulars by the Prosecutor General, the deputy prosecutor general and heads of division of the Office of the Prosecutor General shall be published in the Journal of the Prosecution Service.

## Section 10

(1) The National Institute of Criminology shall be an institute of scientific research of the Prosecution Service operated to research crime and to develop the theory and practice of criminology, forensic science and criminal law.

(2) The rules governing the National Institute of Criminology shall be set forth in the instructions of the Prosecutor General.

## Section 11

(1) The organisation of the Prosecution Service shall be managed and directed by the Prosecutor General.

(2) The Prosecutor General:

a) may participate in sessions of Parliament and Full Curia meetings in advisory capacity;

b) may reserve the right for the Prosecution Service to investigate any crime pursued by any investigative authority, and may use the collaboration of the members of other investigative authorities during prosecutorial investigations with the consent of the national commander, provided such collaboration shall not affect such members' employment relationship with their service or public service;

c) may submit to the Curia motions seeking the revision of, or for the sake of legality, legal remedy for, final decisions on criminal cases, as provided for in the Code of Criminal Procedure;

d) may institute an appeal to ensure the uniformity of law at the Curia and may exercise the rights granted to the Prosecutor General by law in appeal procedures conducted to ensure the uniformity of law before the Curia;

e) shall submit motions to suspend immunity due to a publicly actionable criminal act or administrative offence, and initiate the granting of approval in case the institution of proceedings is subject by law to the approval of an organ or a person;

f) may express an opinion on draft legislation, except for drafts of decrees by local governments, and shall express an opinion on draft legislation affecting the legal status and the duties of the Prosecution Service;

g) may propose to a public body with jurisdiction to initiate a legislative act and/or to issue a decree or an instrument to regulate a public body to legislate, amend or abrogate a provision of law or a legal instrument issued to regulate a public body;

h) may refer a legal regulation applied in a specific case heard with prosecutorial participation to the Constitutional Court for a review to establish whether or not the legal regulation is unconstitutional by reason of violating rights enshrined by the Fundamental Law if entitled parties do not possess the capacity to defend their rights or if the malfeasance affects a larger group of persons;

i) may refer a legal regulation to the Constitutional Court for a review of non-compliance with international treaties;

j) may, upon his or her own initiative or if requested by any of the parties, and shall if invited to do so by the Curia, express a professional opinion, representing the interest of the public, about legal matters for the sake of the uniformity of jurisprudence in proceedings conducted by the Curia, even if no prosecutor participates in the proceedings. The opinion of the Prosecutor General, which shall not be binding for the Curia, shall be notified to the parties to the proceedings.

(3) If circumstances prevent the Prosecutor General from acting personally, or in case the position of the Prosecutor General is vacant, a Deputy Prosecutor General designated earlier shall exercise the rights of the Prosecutor General.

## **Section 12**

(1) Prosecutors shall operate subordinated to the Prosecutor General and shall accept instructions exclusively from the Prosecutor General and a superior prosecutor.

(2) Within the organisation of the Prosecution Service

a) the Office of the Prosecutor General shall exercise control over appellate chief prosecution services and chief prosecution services,

b) chief prosecution services shall exercise control over district and district level prosecution services.

(3) Superior prosecution services shall include:

a) the Office of the Prosecutor General in respect of all prosecutorial bodies;

b) chief prosecution services in respect of district prosecution services operating in the territory of a county (the capital).

(4) Unless otherwise provided for by law or an instruction issued by the Prosecutor General, superior prosecutors shall include

a) at the Office of the Prosecutor General: the Prosecutor General, the Deputy Prosecutor General and senior prosecutors in their respective functions provided they are entitled to issue a decision in the given case;

b) at the appellate chief prosecution service: the Prosecutor General, the Deputy Prosecutor General, the chief appellate prosecutor and prosecutors of the Office of the Prosecutor General, the deputy chief appellate prosecutor and heads of division of the appellate prosecution service in their respective functions provided they are entitled to issue a decision in the given case;

c) at the chief prosecution service: the Prosecutor General, the Deputy Prosecutor General and prosecutors of the Office of the Prosecutor General, the deputy chief prosecutor and heads of division (unit) of the chief prosecution service in their respective functions provided they are entitled to issue a decision in the given case;

d) at the district prosecution service: the prosecutor mentioned in Point c), and the prosecutor in charge, as well as prosecutors of the chief prosecution service and deputy prosecutors in charge and heads of units in their respective functions provided they are entitled to issue a decision in the given case.

## **Section 13**

(1) Superior prosecutors may issue instructions to subordinate prosecutors, reserve the right to take over any case therefrom, or may appoint another subordinate prosecutor to act in a given case.

(2) Whenever a prosecutor identified in Section 12 (4) Point a) issues instructions to, or reserves the right to act instead of a district prosecutor, the superior chief prosecutor (chief prosecution service) shall be notified simultaneously.

(3) When acting on an instruction, persons instructed shall notify their immediate superiors, unless the instruction was issued by the superior or the instruction pertains to processing a case from which the superior has been excluded.

## Section 14

(1) The person in charge of an organisation of the Prosecution Service shall:

- a) ensure the human and physical resources necessary for the operations of the Prosecution Service within the fiscal framework;
- b) exercise the rights inuring to an employer under the Act on the Legal Status and Prosecutorial Career of the Prosecutor General, Prosecutors and Other Employees of the Prosecution Service;
- c) manage the financial activities of the Prosecution Service observing the exceptions set forth in instructions issued by the Prosecutor General;
- d) control adherence to procedural deadlines;
- e) ensure compliance with the code of conduct and administrative rules;
- f) direct and control the administrative activities of subordinated prosecutors in charge;
- g) ensure that interest representation bodies may exercise their rights;
- h) be responsible for keeping registers containing the personal data specified in the statute governing the operation of prosecution services and legally required registers not containing personal data and for data provision;
- i) make sure that the opening hours of the Prosecution Service are published at the website of the Prosecution Service;
- j) perform any other duties referred to his or her competence by law or by an instruction of the Prosecutor General.

(2) The chief prosecutor shall perform the functions listed in Paragraphs (1) a) and c) in respect of district prosecution services.

## Section 15

(1) Prosecutorial duties shall be performed by prosecutors as well as by junior prosecutors, prosecutorial clerks and deputies with limited prosecutorial competence and other employees of the Prosecution Service (officials, clerks and blue collar staff) shall assist them in their duties.

(2) Junior prosecutors and prosecutorial clerks acting in the capacity of a prosecutor shall have the same obligations and the same rights as a prosecutor in respect of procedural acts in the scope specified in Section 21 (3).

## Chapter III Prosecutorial Activities Relating to Penal Law

### Section 16

(1) Prosecutors shall ensure:

- a) that all criminal acts they become aware of as part of their official activities are consistently persecuted; and
- b) that no person shall be charged with criminal liability or deprived of their personal freedom unlawfully and no person shall be illegally deprived of their rights, be subject to limitation or harassment.

(2) Prosecutors may initiate coordinated measures to be taken by investigative authorities and other stakeholder organisations to further the persecution of criminality.

*1 Prosecutorial duties relating to investigations and formal accusation*

**Section 17**

(1) In order to establish the grounds for formal accusation, prosecutors may

- a) order investigations;
  - b) exercise control over independent investigations by investigative authorities;
- and
- c) conduct investigations personally in the cases specified in the Code of Criminal Procedure.

(2) In the course of investigations, prosecutors shall dispose of the case and the tasks to be accomplished by the investigation in a manner to ensure the efficiency and the fastest possible conclusion of the criminal procedure. Prosecutors shall be liable for their investigative measures, procedural acts and the soundness and legality of their measures and decisions.

(3) Regarding their oversight of investigations, prosecutors shall take all the necessary measures mandated under law to ensure that the investigative authority conducts investigations lawfully, respecting human rights and in a manner to produce outcomes that support the decision to bring a case to formal accusation. In particular, prosecutors

- a) may examine and change the decisions of, and the measures taken during the investigation by the investigative authority and shall act immediately to eliminate potential legal violations;
- b) may give instructions to investigative authorities in connection with investigations and may control the execution thereof;
- c) evaluate requests for legal remedy which are subject to prosecutorial powers and are made in the course of investigations.

(4) Prosecutors shall ensure the enforcement of the rights of parties to criminal proceedings during an investigation.

**Section 18**

(1) Intelligence information may be gathered under the rules set forth in the Police Act before prosecutorial investigation is ordered. Whenever the Police Act grants rights to or establishes obligations for a police organ or the person in charge thereof in respect of gathering intelligence information, such organ or person shall be interpreted to mean the prosecutorial service conducting the prosecutorial investigation, or the person in charge of the service.

(2) Whenever the Police Act requires prosecutorial approval (consent, permission) for performing an act as part of gathering intelligence information without judicial authorisation, the power to approve shall rest with the superior prosecutor.

(3) To promote the gathering of intelligence information, prosecutors (superior prosecutors) shall issue instructions to the investigative authority or contact another service (agency) authorised to gather intelligence information, except in the case of rejecting a submitted report, prospective termination of an investigation and requesting data.

(4) If the need to gather intelligence information arises in respect of a commissioned member of a national security service (agency), the prosecutor shall notify the fact to the director general of the service where the affected person is commissioned. In such a case,

prosecutors may request the affected national security service (agency) to gather the intelligence information.

(5) Gathering intelligence information upon judicial authorisation as part of prosecutorial investigations shall be subject to the provisions of the Code of Criminal Procedure.

### **Section 19**

(1) In their capacity as public prosecutor, prosecutors shall have the power to bring charges or terminate proceedings in one of the other manners specified in the Code of Criminal Procedure.

(2) Charges shall be based on evidence gathered lawfully.

(3) Prosecutors shall ensure that all facts, items of evidence and legal arguments needed to decide a case are presented in court.

### **Section 20**

(1) Unless otherwise provided for in the Code of Criminal Procedure, prosecutors may review a decision or a measure ex officio within the statutory period of limitation specified in the Criminal Code for the specific crime.

(2) An ex officio review is justified particularly if the decision or measure to be reviewed is unfounded or is in contravention of the law or if a newly emerged fact or circumstance may lead to bringing charges.

## *2 Prosecutorial activities in criminal courts*

### **Section 21**

(1) Prosecutors shall contribute to the administration of justice by enforcing the punitive authority of the State under the terms provided for in the Code of Criminal Procedure and shall contribute to ensuring that court decisions comply with the Fundamental Law and other statutes.

(2) To perform this duty, prosecutors

*a)* shall act as prosecutors in court and may make decisions regarding the charge;

*b)* may make motions regarding any questions related to the case and arising before the court passes its decision;

*c)* shall avail themselves of the remedies provided for prosecutors by the Code of Criminal Procedure.

(3) Junior prosecutors and prosecutorial clerks may also act as prosecutors in court in the cases defined by law.

*3 Monitoring the legality of penal sanctions  
provided for by law*

**Section 22**

(1) While performing the monitoring duties provided for under this title, prosecutors may at any time and place control the legality of enforcing the punishments and penal limitations laid down in statutes, the lawful treatment of prisoners and the enforcement of provisions enacted to protect the rights of inmates. Prosecutors shall apply this provision appropriately in respect of follow-up care and criminal records.

(2) In the event an organ involved in the enforcement of imprisonment, the limitation of personal freedom and other forms of penalisation is monitored as envisaged in Paragraph (1), the person in charge of the organ shall perform the instructions issued by the prosecutor concerning legal compliance and the conditions of imprisonment. The person in charge of such an organ may file a submission via its superior organ with the superior prosecutor against the instruction issued by the prosecutor within 15 days, which shall not have a suspensory effect.

(3) Prosecutors shall immediately release persons held in captivity without a legal decision or beyond the date set in a legal decision.

(4) Prosecutors shall address a reminder to the competent person in charge to cease non-compliant practices or legal violation by omissions and the competent person in charge shall act as required. The person in charge may file a submission with suspensory effect via its superior organ with the superior prosecutor against the prosecutor's reminder within 15 days.

**Section 23**

(1) Prosecutors may participate in, make motions and seek redress at court proceedings relating to the enforcement of punishments.

(2) When performing their duties in connection with court activities relating to the administration of penal enforcement prosecutors observe circumstances that demand action, they shall initiate action by the president of the competent court to ensure the enforcement of the legal regulation.

**Section 24**

(1) In their supervisory capacity, prosecutors may:

- a) hear inmates of prisons and examine complaints lodged in connection with the enforcement of punitive decisions,
- b) study the instructions regulating the circumstances and procedures of detention and detention documents,
- c) conduct a review of any matter relating to the enforcement of punishment and may request supervised organs to hold a review,
- d) request the persons in charge of enforcement bodies to make available or send documents and data and to provide information,
- e) initiate the issuance, amendment or abrogation of provisions (measures, orders etc.) of general effect in place at enforcement bodies.

(2) The person in charge of the competent body shall immediately comply with the prosecutorial requests described in Paragraphs (1) c) and d). In the event the person in charge

of the competent body disagrees with the initiative mentioned in Paragraph (1) e), submissions may be filed as set forth in Section 22 (4).

#### *4 International cooperation in criminal matters*

##### **Section 25**

(1) Unless otherwise provided for by statutes governing international cooperation in criminal matters, the Prosecutor General shall decide:

- a) whether or not a criminal procedure is to be transferred or an offence is to be reported to a foreign authority;
- b) whether or not criminal proceedings foreign authorities offer to transfer will be accepted, and
- c) on eligible procedural legal assistance to be provided to or to be requested from a judicial authority of another state.

(2) The provisions governing the management of prosecutorial data shall apply to all forms of international cooperation in criminal matters mentioned in Paragraph (1).

#### **Chapter IV**

##### **The duties of the Prosecution Service relating to the protection public interest**

#### *5 Common rules regarding the protection of public interest*

##### **Section 26**

(1) The duties and powers the Prosecution Service performs as a contributor to the administration of justice outside the scope of criminal law and this Act shall be subject to separate statutes. Prosecutors shall exercise these powers in an attempt to eliminate non-compliance primarily by instituting contentious and non-contentious proceedings at court (right to file lawsuits), by launching administrative proceedings and pursuing legal remedy (hereinafter collectively: action).

(2) Unless otherwise provided for by law, prosecutors shall conduct a review ex officio to underpin prosecutorial measures if based on data or other circumstances revealed to the prosecutor it is reasonable to assume that serious legal violations, omissions have occurred or non-compliant conditions exist (hereinafter collectively: contravention of law).

(3) A prosecutor may serve a reminder seeking voluntary redress (hereinafter: reminder) to the adversary in cases requiring prosecutorial action where the adversary itself has the capacity to remedy the circumstance that requires action, and shall set a deadline of 60 days in such a reminder for ceasing the contravention of law. The party addressed in such a reminder shall send the prosecutor supporting documents before the said deadline to notify the prosecutor of having rectified the contravention of law, having taken steps to convene a meeting in cases requiring a board decision or of its reasoned disagreement with the stipulations of the reminder.

(4) If the party addressed in the reminder fails to abide by the requirements made therein within the deadline set by the prosecutor or fails to respond or disagrees with the stipulations of the reminder, the prosecutor shall bring action in 30 days or notify the addressee of having terminated the proceedings. In matters requiring a board decision, the 30- -day deadline shall start on the date of the meeting of the board convened to make a decision.

(5) If the prosecutor's statutory right to action is discretionary, and the prosecutor decides to set aside action, the prosecutor shall notify the applicant seeking action in a reasoned resolution. The applicant may request a review of the resolution in a petition addressed to the superior prosecutor within 8 days of receipt. The applicant shall be informed of the right to review.

(6) The rules governing reminders shall be applied in the procedures that are subject to Sections 27-30, the exceptions set forth therein notwithstanding.

(7) Prosecutors shall point out to the person in charge of the competent body any deficiencies not classified as contraventions of law and minor contraventions that do not justify action in an indicative letter. If an indicative letter so requires, the person in charge of the competent body shall notify the prosecutor of its position concerning the indication within thirty days.

#### *6 Prosecutorial participation in contentious and non-contentious procedures*

### **Section 27**

(1) Prosecutors

a) shall take part in lawsuits as claimants or as respondents in lawsuits filed against them,  
b) may use their powers to take action in lawsuits between other parties, or  
c) may join a lawsuit filed by another party in the cases and in the manner provided for by law.

(2) Prosecutors shall have identical rights to those held by the party to contentious and non-contentious proceedings launched under law by or against the prosecutor.

(3) Prosecutors acting in a lawsuit shall exercise the rights of the party, but shall respect the parties' right of disposal.

(4) Prosecutors shall have the right to seek redress against decisions delivered in contentious and non-contentious proceedings to be communicated by law to the prosecutor in any manner. Furthermore, prosecutors shall have the right to seek redress even if they were not party to the proceedings or in case communicating the decision to the prosecutor was not required.

(5) Prosecutors may file a lawsuit under statutory requirements particularly in connection with:

a) disposition over national assets,  
b) misappropriation of public funds,  
c) terminating grievances of public interest caused by void contracts,  
d) data entered into public registers,  
e) the protection of the environment, nature and arable land,  
f) contesting consumer agreements (general terms of agreement) of private individuals,  
g) the modification of family status.

(6) Whenever a prosecutor is authorised under law to file a lawsuit, the proceedings shall be deemed to serve public interest.

*7 Prosecutorial duties relating to certain legal entities and organisations without a legal personality*

**Section 28**

(1) Prosecutors shall have the right to seek redress and file a lawsuit against judicial orders (administrative decisions) delivered to have certain legal entities and organisations without corporate body (hereinafter collectively: legal entities) entered into (registration) and removed from the public register or to have any of the registered data of legal entities modified. If data entered into a public register is or subsequently becomes non-compliant, prosecutors may initiate removal, correction or modification of such data under the terms provided for by law.

(2) If a prosecutor is authorised under law to review the legality of the operations of a legal entity, judicial orders (administrative decisions) delivered to have such legal entities entered into (registration) or removed from the public register or to have their registered data modified shall be communicated to the prosecutor.

(3) If the legality of the operations of the legal entity is subject to review by the courts, public administration or any other body applying the law other than the courts, prosecutors may launch a review of legal compliance procedure under the terms provided for by law.

(4) Prosecutors shall file a lawsuit to dissolve or wind up a legal entity or to restore compliant operations, if based on data or other circumstances revealed to the prosecutor it is reasonable to assume that the legal entity has wound up its operations or is pursuing activities in contravention of the Fundamental Law or any other legal regulation. Unless explicitly prohibited by law, prosecutors shall file a lawsuit whenever non-compliance jeopardises the lawful operation of a legal entity.

(5) Reminders prior to a lawsuit may be issued within 6 months after non-compliance is revealed before the prosecutor but no later than 3 years after the circumstance giving rise to the reminder occurs, except in the case of operations wound up and persistent non-compliance.

*8 Prosecutorial duties relating to certain administrative procedures and institutions*

**Section 29**

(1) Prosecutors shall verify the legality of individual decisions made and administrative measures taken by administrative authorities and other bodies applying the law other than courts, whether binding or final, provided the courts have not overridden such decisions.

(2) Unless otherwise provided for by law, prosecutors shall issue reminders for the sake of eliminating non-compliance in respect of (i) non-compliance affecting the merits of a decision by any authority of public administration within no more than a year after the effective date or after execution is ordered, (ii) a decision establishing an obligation, depriving or limiting a right before the period of statutory limitation terminates and (iii) a decision on securing a claim or the attachment of an asset as long as that condition exists.

(3) Prosecutors may issue reminders to have the enforcement of non-compliant decisions suspended. The addressee of the reminder shall immediately terminate enforcement until the case is decided and shall simultaneously notify the prosecutor thereof.

(4) Prosecutors shall submit their reminders to the supervisory body of the organ proceeding in the particular case. If the organ with decision making powers has no supervisory authority or reports directly to the Government, or in case supervisory action is prohibited by law, prosecutors shall submit their reminders to the decision making body.

(5) If the reminder fails to achieve the desired effect, the prosecutor shall contest at court the final decision delivered in the original case.

(6) The law may require prior prosecutorial approval for or may authorise the prosecutor to prohibit the execution of coercive measures ordered by certain administrative and infringement proceedings or the institution of regulatory (non-criminal) proceedings for the gathering of intelligence information.

(7) Prosecutors may supervise the compliance of the operation of institutions providing child protection services. The prosecutor may issue reminders to the person in charge of such an institution in an attempt to eliminate identified cases of non-compliance. In the event the person in charge of the institution disagrees with the reminder, it may contact its maintainer organisation. The maintainer organisation shall start discussions with the superior prosecution service about the stipulations in the reminder and may at the same time decide to postpone the implementation of the proposed measure until the discussions are closed.

#### *9 Prosecutorial duties relating to cases of administrative offence*

### **Section 30**

(1) If a sanctioning administrative authority sanctions a criminal act as if it were an administrative offence, prosecutors may issue a reminder against the decision during the period of statutory limitation of the criminal act.

(2) Reminders may be issued to the benefit of the perpetrator until the deadline for striking the data of the administrative offence from the records.

(3) In court proceedings, prosecutors may make statements about the comments of the sanctioning authority and may make a motion to have the case decided.

(4) Prosecutors shall evaluate complaints lodged against measures taken and decisions issued by sanctioning authorities according to the rules set by law. A prosecutorial decision shall be binding on the sanctioning authority.

(5) A sanctioning authority shall make its decision issued to dismiss the case available to the prosecutor.

(6) Prosecutors may seek legal remedy against final court decisions subject to a separate act with reference to reasons and in the cases defined by law.

## **Chapter V**

### **Data management at the Prosecution Service**

#### **Section 31**

(1) To perform its duties relating to penal law, the protection of public interest, administration, statistics and scientific research objectives, the Prosecution Service may operate central, regional and local data management bodies within its organisation to manage

personal and special data of the scope specified in a set of instructions issued by the Prosecutor General.

(2) The person in charge of the data management function of the Prosecution Service shall prevent unauthorised access to, disclosure, modification and deletion of personal data and shall ensure technical and logical protection to regulate deletion with the assistance of an information technologist employed by the Prosecution Service.

(3) In order to protect personal data, the data management body of the Prosecution Service shall ensure that

a) affected persons may have access to the data managed by the data management body, unless restricted in an exception by law, and exercise their right to rectifying or deleting such data;

b) stored data are erased whenever the reason for managing them ceases to exist in accordance with the provisions of law or in case a court has issued a deletion order as part of data protection proceedings.

### **Section 32**

(1) The Prosecution Service may take receipt of the personal and special data managed by the police and other authorities upon identifying the purpose of use and may manage such data within the constraints set by law. Data transfer shall be documented by both the transferring and the receiving organisation. The person in charge of the receiving organisation of the Prosecution Service shall be responsible for receiving, and for the legal compliance of instructions relating to the use of data, and the employee of the Prosecution Service actually receiving and using the data shall be liable for non-compliant receipt and use, and in the case of the criminal act of abusing personal data the employee of the Prosecution Service perpetrating the crime shall be criminally liable.

(2) Administrative, management- and service-related data shall not be transferred or published without the Prosecutor General's approval. This set of data shall also include in particular documents without legal consequence (internal memoranda, analyses, reports, drafts and individual instructions issued inside the organisation of the Prosecution Service).

(3) Instructions issued to the investigative authority in a specific case may only be made public upon the final completion of criminal proceedings.

(4) The Prosecutor General may deviate from the provisions of Paragraphs (2)-(3) due to public interest or in cases requiring special discretion.

(5) The Prosecution Service shall provide information (as provided in the Code on Criminal Procedure) to affected parties about personal data created and managed by the Prosecution Service in the course of its activities and shall perform rectification upon request until the deadline for keeping data on record. As the reason for managing data does not cease to exist upon the final completion of criminal proceedings, the Prosecution Service may manage data until the deadline set in its document on management policy issued under separate legislation.

(6) The Prosecution Service may transfer the data created and managed by the Prosecution Service in the course of its activities relating to penal law upon request to other authorities proceeding in criminal matters, to prison administration organisations and to national security services, to the Hungarian Defence Forces and the police for use in disciplinary proceedings and to the Minister of Justice for the purposes of petitions for pardon, dealing with letters rogatory and for performing the ministerial duties identified in statutes on legal

assistance in penal cases and in international treaties, provided that the requesting organisation shall be authorised by law to manage the data requested. Both organisations shall document the transfer and receipt of data.

(7) The Prosecution Service may manage the data of persons affected by the application of covert intelligence gathering (including persons collaborating with the Prosecution Service and covert investigators), other than uninteresting information captured during surveillance with a special device and the data of persons not affected by the case, and the outputs of the application

a) for maximum 2 years after covert intelligence gathering is completed, provided no criminal proceedings are instituted;

b) up to the lapse of culpability, provided criminal proceedings are conducted;

c) up to the granting of exemption from the disadvantageous consequences attached by a legal rule to a conviction or a maximum of 20 years;

d) for a period of 20 years after terminating cooperation or ceasing to act as a covert investigator regarding co-operators and covert investigators.

(8) Prosecutors shall destroy any uninteresting information captured during surveillance with a special device and the data of persons not affected by the case immediately or within 48 hours at the latest.

(9) The Prosecution Service may transfer to and receive from law enforcement and justice administration organisation cooperating with Hungary under bilateral and multilateral international treaties personal data created in connection with criminal acts subject to prosecutorial investigation, including data created while gathering criminal and covert intelligence information under the terms and conditions provided in the statutes governing the international treaties and cooperation with such organisations, provided that the manager of such data shall fulfil the requirements governing the management of personal data in respect of each data item.

(10) The Prosecutor General may authorise the connection of personal data managed by the Prosecution Service with other pools of managed data and the transfer of such personal data to foreign data managers with a view to the interests related to crime prevention, law enforcement and national security, provided that the requirements governing the data management shall be fulfilled in respect of each item of personal data. International data transfers shall be based on an international treaty or on reciprocity.

### **Section 33**

Notwithstanding the exceptions set forth in Section 34 (2)-(3), data created or managed during the activities conducted by the Prosecution Service in connection with penal law shall be managed separately from data created or managed by the Prosecution Service in connection with the protection of public interest. The provisions of Section 32 (3)-(10) shall not apply to personal data created or managed in the course of the activities pursued by the Prosecution Service to protect public interest.

### **Section 34**

(1) The Prosecution Service may receive and manage, transfer to the courts personal and special data created during its activities relating to penal law, provided such data are necessary to institute proceedings or to establish relevant procedure-related facts for contentious and non-contentious civil proceedings prosecutors may institute to protect public interest under the authorisation of a separate act.

(2) While performing its duties relating to penal law, the Prosecution Service may receive and manage personal and special data created during its activities relating to the protection of public interest, provided such data are necessary for establishing relevant facts for the application of the rules of penal law and criminal procedure.

(3) While performing its duties relating to the protection of public interest, the Prosecution Service may receive and manage personal and special data necessary for performing prosecutorial duties from the courts, from organs and persons affected by proceedings and from any organ or person with a statutory obligation to provide data if so requested by the Prosecution Service. The Prosecution Service may forward such data along with data created during its activities relating to the protection of public interest and data obtained from the persons concerned to the courts and administrative authorities, provided such data are necessary for instituting contentious and non-contentious civil proceedings a prosecutor is authorised to file, for establishing facts of relevance in such proceedings or in administrative procedures, or for the evaluation of petitions and complaints received by the Prosecution Service.

(4) The Prosecution Service shall inform parties concerned about data created and managed by the Service in the course of its activities relating to the protection of public interest and shall rectify such data upon request.

### **Section 35**

(1) Data managed by the Prosecution Service shall not be used for statistical purposes unless converted to a form that does not allow the unique identification of individual data.

(2) Statistical data shall not be provided to external bodies other than the police and national security unless converted in the manner specified in Paragraph (1) above.

(3) Making data available for the purposes of scientific research shall require the approval of the Prosecutor General, the competent Deputy Prosecutor General or a senior member of the Prosecution Service authorised by the Deputy Prosecutor General.

(4) Scientific research findings and processed statistics may be published if the data contained therein are converted to a form that does not allow the unique identification of individual data.

### **Section 36**

(1) Prosecutors, junior prosecutors, prosecutorial clerks and deputies may handle the personal and special data managed by the Prosecution Service and other bodies with the limitations regulated by law and provided such data are necessary for performing their statutory duties.

(2) Prosecutors, junior prosecutors, prosecutorial clerks and deputies shall manage data revealed to them in the course of performing their official duties in compliance with the rules governing the protection of classified data, personal secrets and the protection of personal data, statistics and the publicity of public data observing the exceptions provided in this Act.

(3) Unless otherwise provided for by law and in the course of performing their duties prosecutors, junior prosecutors, prosecutorial clerks and deputies may directly or by way of the information technology of the Prosecution Service:

a) use free of charge the data supplied by the information systems operated by the register of personal particulars and residence, by the central register of administrative

offences, by the central register of road transport; by the registers of persons subject to limitation of travelling outside the country and passports, by the system of criminal records operated under a separate statute, by the register of wanted persons and objects; by the company register, by the property register, by the register of inmates of the prison system, by the border registration system, by the system processing customs registration and customs declarations and information systems operated by individual investigative authorities to support investigations; provided that requests for data shall be fulfilled even if data are incomplete or fragmented;

b) manage the personal data they obtain or create during their proceedings in accordance with the detailed rules provided by law; provided that classified data – other than those classified by national security – shall not hinder prosecutors, junior prosecutors, prosecutorial clerks and deputies, who, however, are obliged to observe the legal provisions governing the confidentiality of classified data;

c) publish the names of persons concerned and case connections from among case-related personal data with the approval of the Prosecutor General to promote public interest.

(4) Officials, clerks and blue collar employees shall also comply with the data management rules contained in Paragraphs (1)-(3). The detailed rules of data management by officials, clerks and blue collar employees shall be described specifically for each person by the employer.

### **Section 37**

The National Institute of Criminology may request government organs and the courts to make available to the Institute for the purposes of the examinations it is responsible for documents relating to criminal and administrative offences, which the Institute may study and publish in a manner that does not allow the unique identification of individual data.

## **Chapter VI Final Provisions**

### *10 Implementing provisions, the short designation of the Act*

#### **Section 38**

This Act shall enter into force on 1 January 2012.

#### **Section 39**

This Act shall be designated in other Hungarian laws and regulations as *Ütv.*

### *11 Transitional provisions*

#### **Section 40**

(1) Mentions in other laws, regulations and instruments regulating a public body of

a) a prosecutorial secretary shall be interpreted to mean a junior prosecutor,

b) a prosecutorial desk officer shall be interpreted to mean a prosecutorial deputy.

(2) Provisions concerning district prosecution services and district prosecutors in this Act shall be understood to refer to local prosecution services and local prosecutors until 31 December 2012.

### **Section 41**

(1) Any protests, objections and warnings undecided by the effective date of this Act shall be deemed to have been withdrawn. The addressed party shall return these measures to the filing prosecution service within five days after this Act enters into force.

(2) When the enforcement of a protested decision has been suspended, the organ or organisation shall take action to resume enforcement simultaneously with returning the documents.

(3) Court proceedings instituted in response to a rejected protest shall be terminated ex officio, unless the courts have decided on the merits.

## *12 Compliance with the cardinality requirements of the Fundamental Law*

### **Section 42**

a) Sections 1-30, 40, 41 and 43 a)-c) of this Act shall be cardinal based on Article 29 (7) of the Fundamental Law and

b) Section 49 of this Act shall be cardinal based on Article 46 (6)

of the Fundamental Law.

## *13 Abrogating provisions*

### **Section 43**

The following shall expire:

- a) Act V of 1972 on the Prosecution Service of the Republic of Hungary,
- b) Sections 1-3 of Act CXLVII of 2010 on Amending Certain Statutes on Law Enforcement and Related Laws,
- c) Sections 64-66 of Act CLXI of 2010 on Amending Certain Penal Statutes,
- d) Decision 143/1997. (IX. 30.) KE by the President of the Republic on the Prosecution Service of the Republic of Hungary,
- e) Decision 38/2001. (IV. 5.) KE issued by the President of the Republic to amend 143/1997. (IX. 30.) KE on the Prosecution Service of the Republic of Hungary,
- f) Decision 186/2002. (XII. 12.) KE issued by the President of the Republic to amend 143/1997. (IX. 30.) KE on the Prosecution Service of the Republic of Hungary,
- g) Decision 188/2003. (XII. 13.) KE issued by the President of the Republic to amend 143/1997. (IX. 30.) KE on the Prosecution Service of the Republic of Hungary, and
- h) Decision 31/2004. (III. 18.) KE issued by the President of the Republic to amend 143/1997. (IX. 30.) KE on the Prosecution Service of the Republic of Hungary.

*14 Amended laws and regulations*

**Section 44**

(1) The following provision replaces Section 9 (5) of Act III of 1952 on the Code of Civil Procedure (hereinafter: CoCP):

"(5) The prosecutor with competence under the provisions of the Act on the Prosecution Service shall act in court."

(2) The following Sections (6)–(8) are inserted into Section 274 of CoCP:

"(6) The president of the chamber may call upon the Prosecutor General to express views on a legal matter upon sending the related documents and by a deadline.

(7) The position of the Prosecutor General shall be communicated to the parties who may offer observations within the deadline set by the president of the chamber. This rule shall also apply in case the Prosecutor General expresses an opinion independently rather than in response to a request by the president of a chamber.

(8) The review decision of the Curia shall be sent to the Prosecutor General regarding proceedings where the Prosecutor General expressed a position."

**Section 45**

The following provision shall replace Section 27 (2) of Act XXXVIII of 1991 on the Protection of Utility Models:

"(2) The decisions of the Hungarian Intellectual Property Office shall not be open to appeal, reopening or review procedures or prosecutorial reminders."

**Section 46**

The following provision shall replace Section 17 (2) of Act XXXIX of 1991 on the Protection of the Topography of Microelectronic Semiconductor Products:

"(2) The decisions of the Hungarian Intellectual Property Office shall not be open to appeal, reopening or review procedures or prosecutorial reminders."

**Section 47**

The following provision shall replace Section 11 of Act XLIV of 1992 on the Employee Stock Ownership Program:

"Section 11: The Prosecution Service shall supervise the compliance of the operation of the organisation in accordance with governing laws and regulations. If compliant operations cannot be ensured otherwise, the Prosecution Service may take the matter to court."

**Section 48**

(1) The following provision shall replace Section 6 (2) of Act XCVI of 1993 on Voluntary Mutual Insurance Funds (hereinafter: VMIF):

"(2) Funds shall be registered by the county (capital) court with territorial competence. The application for registrations shall be filed with the court within 30 days after the initial general meeting. The charter adopted by the initial general meeting, the minutes of the initial general meeting, the attendance sheet shall be attached to the application, and after filing the application, a certificate of opening of a payment account issued by a provider of payment services licensed to operate accounts shall also be submitted. The court shall rule on registration in non-contentious proceedings and shall notify the prosecutor and the customer simultaneously of its ruling, which it shall also send to the Hungarian Financial Supervisory Authority (hereinafter: Supervisory Authority)."

(2) The following provision shall replace Section 8 of the VMIF:

"Section 8: The Prosecution Service shall supervise the compliance of the funds in accordance with governing laws and regulations. If compliant operations cannot be ensured otherwise, the Prosecution Service may file court action. Forward to Chapter VI of this Act, Funds shall be subject to supervision by the Hungarian Financial Supervisory Authority."

(3) The following provision shall replace Section 40/B (1) Point c) of the VMIF:

*(The duty to keep funds' secrets and business secrets shall not apply in respect of the following bodies, provided they act in their capacity)*

„c) the Prosecution Service authorised to verify the legality of Fund operations,”

(4) The following provision shall replace Section 42/A (2) of the VMIF:

"(2) The court shall issue a decision on updating the records with transformation, on ordering the submission of missing documents within 8 days upon receipt of the application. The court shall send its decision on registration to the Supervisory Authority and shall deliver it to the competent prosecutor. Transformation shall be by court registration with retrospective effect to the date of registration. The court shall specify the date of transformation in its decision."

#### **Section 49**

The following provision (2a) is inserted into Section 7/A of Act XXXIV of 1994 on the Police (hereinafter: Police Act):

"(2a) The prosecutor shall examine the legality of the decision on completing a reliability test within 8 days after receipt and shall return it to the issuing authority. If non-compliance is ascertained, the prosecutor shall instruct the authority conducting the reliability test to bring a new resolution in a reasoned decision, and in case the prosecutor finds that the implementation of the reliability test failed to comply with the detailed plan, the prosecutor shall also institute legal follow-up proceedings."

(2) The following provision shall replace Section 7/C (4) of the Police Act:

"(4) In addition to the entitlements set forth in this Act, the prosecutor shall exercise the rights provided in the Act on the Prosecution Service in the course of examining the legality of the reliability test."

#### **Section 50**

The following provision shall replace of Section 53/A (1) of Act XXXIII of 1995 on the Protection of Inventions by Patents:

"(1) The decisions of the Hungarian Intellectual Property Office shall not be open to appeal, reopening or review procedures or prosecutorial reminders issued under the Act on the Prosecution Service."

#### **Section 51**

The following provision shall replace Section 109 (3) of Act LIII of 1995 on the General Rules of Environmental Protection:

"(3) The Prosecution Service shall cooperate in ensuring the legality of the procedures and decisions of environmental authorities in accordance with the relevant laws and regulations."

#### **Section 52**

The following provision shall replace Section 60 (3) of Act LIII of 1996 on Nature Conservation:

"(3) The Prosecution Service shall cooperate in ensuring the legality of the procedures and decisions of nature conservation authorities in accordance with the relevant laws and regulations."

#### **Section 53**

The following provision shall replace Section 46/A (1) of Act XI of 1997 on the Protection of Trade Marks and Geographical Indications:

"(1) The decisions of the Hungarian Intellectual Property Office shall not be open to appeal, reopening or review procedures or issuing prosecutorial reminders under the Act on the Prosecution Service."

#### **Section 54**

The following provision shall replace Section 49 (4) of Act LXXVIII of 1997 on the Formation and Protection of the Built Environment:

"(4) No penalty shall be levied in connection with building activities performed on the basis of a final and enforceable construction or demolition permit based on a ruling which was withdrawn by the building authority acting ex officio or in response to a reminder issued under the Act on the Prosecution Service, or was declared invalid by a court, or was modified or voided by the supervisory authority of the building authority based on a Constitutional Court decision, except in case the developer acted in bad faith in respect of the grounds for withdrawal (modification, voiding or declaration of invalidity.)"

#### **Section 55**

(1) The following provision shall replace Section 36 (3) of Act LXIX of 1999 on Administrative Offences (hereinafter: AO Act):

"(3) Local courts shall have the competence to rule on prosecutorial actions taken to ensure the legality of the proceedings, decisions and measures of a sanctioning authority."

(2) The following provision shall replace Section 78 (4) of the AO Act:

"(4) Prosecutors shall be notified immediately of warrants of apprehension issued by a sanctioning authority. The prosecutor shall inspect warrants of apprehension by electronic means. In the event the prosecutor disagrees with the apprehension, a decision shall be issued before apprehension is started to void the decision on apprehension. Apprehension shall not be effected before the prosecutor's action."

(3) The following provision shall replace Section 90 (1) of the AO Act:

"(1) Sanctioning authorities shall reject belated objections and those raised by parties other than eligible persons.

(4) The following provision shall replace Section 91 of the AO Act:

"Section 91(1): Prosecutors shall exercise their rights to verify the legality of proceedings, decisions and measures by sanctioning authorities as envisaged in the Act on the Prosecution Service observing the alternative provisions of this Act.

(2) A prosecutor's reminder filed in respect of an administrative offence shall have suspensory effect concerning enforcement.

(3) Prosecutors may only file reminders against perpetrators within six months after the decision becomes final.

(4) If a sanctioning authority accepts the reminder of the prosecutor as sufficient cause, it shall void or amend the non-compliant provision within eight days and shall simultaneously notify the prosecutor thereof.

(5) If the reminder fails to reach the desired effect, the prosecutor shall contest the decision, and the sanctioning authority shall send the documents of the case to the court within eight days.

(6) Acting as single judge, the court shall issue a reasoned ruling based on the prosecutor's application and the documents. The ruling of the court shall be final without redress.

(7) If the court agrees that the prosecutor's action had sufficient cause, it shall require the sanctioning authority to conduct the recommended procedure.

(8) After the ruling, the court shall return the documents of the case along with the ruling documents issued to the sanctioning authority. The court shall send one copy of its issued ruling to the prosecutor directly.

(9) If the prosecutor withdraws its action, the court shall return the documents to the sanctioning authority without any action on its behalf."

### **Section 56**

(1) The following provision shall replace Section 57/B (1) Point *d*) of Act LXXVI of 1999 on Copyright (hereinafter: Copyright Act):

*(The provisions of the Act on the General Rules of Public Administration Procedures shall apply to the procedure of the Hungarian Intellectual Property Office provided for in Section 57/A with the following differences:)*

"d) The decisions of the Hungarian Intellectual Property Office shall not be open to appeal, reopening or review procedures or prosecutorial reminders issued under the Act on the Prosecution Service; the decisions of the Hungarian Intellectual Property Office shall be subject to review by the Metropolitan Court of Budapest in a non-contentious procedure as provided for in Section 57/C;"

(2) The following provision shall replace Section 93 (3) Point *b*) of the Copyright Act:

*(Upon observing insufficient conditions for registration or a violation of the laws and regulations mentioned in Paragraph (1), the Hungarian Intellectual Property Office, acting in its supervisory capacity, shall:)*

"b) initiate prosecutorial review of the legality of the operations of the organisation if restoring the compliance of operations demands prosecutorial measures;"

### **Section 57**

The following provision shall replace Section 32/A (1) of Act XLVIII of 2001 on the Protection of Designs:

"(1) The decisions of the Hungarian Intellectual Property Office shall not be open to appeal, reopening or review procedures or reminders issued under the Act on the Prosecution Service."

### **Section 58**

The following provision shall replace Section 16/E (4) Point *d*) of Act CVIII of 2001 on Certain Questions Pertaining to Electronic Commerce and Services Related to Information Society:

*(In addition to the requisites specified in the Act on the General Rules of Public Administration Procedures, a published announcement shall also contain:)*

„d) the fact that a court review or supervisory procedure is pending or a prosecutorial reminder exists in respect of the decision and, if available, the results thereof."

### **Section 59**

The following provision shall replace Section 10 (1) of Act XCIX of 2007 on the European Grouping of Territorial Cooperation:

"(1) The Prosecution Service shall supervise the compliance of the operation of the European Territorial Partnership in accordance with governing laws and regulations. If compliant operations of the European Territorial Partnership cannot be ensured otherwise, the prosecutor may file court action."

**Dr. Pál Schmitt**  
President of the Republic

**László Kövér**  
Speaker of the Parliament