STANDARD SUMMARY PROJECT FICHE
PROJECT NUMBER HU0103-02

1. Basic Information

1.1 Désirée Number: HU0103-02

   Twinning Number: HU/IB/2001/JH/02

1.2 Title: Training of Judges and Prosecutors in EU Law

1.3 Sector: Justice and Home Affairs

1.4 Location: Hungary - Budapest and locations of courts of law and offices of public prosecutions throughout the country

2. Objectives

2.1. Overall Objective:

The overall objective of the project is the correct and timely application of the Acquis by the courts of law and offices of public prosecution in Hungary.

2.2 Project Purpose:

Hungarian judges and prosecutors deal competently with Community law and Third Pillar law.

2.3 Accession Partnership and NPAA priority:

AP 3.2 Medium Term priority: "continue improving the functioning of the judicial system by training of judges in Community law"

NPAA B.2.: “The full training of all Hungarian judges in community law must be achieved till our accession.”

2.4. Contribution to National Development Plan - Not applicable.

2.5. Cross Border Impact – Not applicable.

3. Description

3.1 Background and justification:

As Hungary approaches Accession, judicial and law enforcement systems operating in line with Community law and being able to implement and enforce it is a sine qua non. Judges and prosecutors have to be fully familiar with the relevant Community legislation and respective international instruments as well as the overall practice of its implementation and enforcement. It is particularly important that the Hungarian judges be acquainted with the functioning of the Court of Justice of the European Communities, especially the interaction between national court and the Court of Jus-
tice through the preliminary ruling procedure. The expert knowledge, especially practical experience needed for such training in general is lacking in Hungary.

The strategic goal of the whole process of the Phare supported training aims at preparing the whole judiciary and the prosecutors in the application of the Community law at national level and training domestic trainers so as to ensure continuation of this training in the future within the framework of general domestic training for judges and prosecutors. As a result of this process there should be an improved capability of the judiciary and the prosecutors of handling EU related matters in short term, and in longer terms securing and developing related competencies and institutional background needed in the future.

3.2 Linked activities:

Training of judges and prosecutors has been done in the frameworks of separate programmes.

The Training of Judges project (HU9602-03-03) provided basic training in Community law for a total of 750 judges. The final report accepted and approved by the National Council of Justice it marks the direction of future training efforts.

Lessons learnt are being applied in training of another 700 judges in the academic year of 2000/2001. Finance for this second programme is provided from funds of the National Council of Justice.

Prosecutors have benefited from the Phare project number HU9703, which contained a twinning component for prosecutors carried out with the twinning partner National School of Magistrates of France. Under this project about 450 prosecutors have been trained by the end of October 2000. Some prosecutors were also involved in project HU98IB/JH01. The final report of this project has been completed.

The Phare Horizontal Project ZZ/99/10 is designed for supporting the candidate countries in the field of Justice an Home affairs and includes a component on the training of judges in EC law. The project will provide methodological assistance to the participating countries and complete its activities by April 2002. Close co-ordination between the two projects will be ensured. Training delivered by the present project will take into due account the needs and gap analysis and the training strategy elaborated under the Horizontal project and, where appropriate, utilise the curricula elaborated under the same project.

Regarding the institutional background, in 2000 in the framework of a bilateral project France provided to ONCJ some limited know-how and experience in establishing and running a school for judges.

3.3 Results:

- Almost all the judges, court secretaries, trainee judges will have received basic training in Community law.
- About 50% of judges will have completed refresher course in their fields of specialisation.
- In September 2003 the Hungarian School of Judges will be ready and capable to be the constant venue and academic centre for the general domestic training of the judges including the one in Community law.
• Some 850 prosecutors will have received training.
• A study defining the institutional structures and main elements needed for sustainable training capacity for judges and prosecutors will be produced.

3.4 Activities:
Activities will take into account as appropriate the outputs of the Phare Horizontal Project and in particular the training needs and gap analysis, the training curricula and the training strategy

a) Guaranteed outputs of the twinning:
Number of staff at various levels of courts includes 2375 judges, 314 court secretaries (junior judges are or soon to be eligible for being appointed as a judge; in continuation court secretaries) and 309 trainee judges as of June 2000. At the same time, there are 1300 prosecutors, 100 junior and 300 trainee-prosecutors. All of them require general and/or special training in EU law.

• Training curricula:
  (i) For the judges: training curricula for the core and specialised training modules produced under the Phare Horizontal programme will be adapted and revised as appropriate;
  (ii) For the prosecutors: curricula will be designed as appropriate in the relevant areas of EC law, based on a needs assessment carried out by the OPG.
  (iii) In both case measures will be designed for the continuous assessment, evaluation and quality control;

• Training
Judges, prosecutors, junior prosecutors, trainee prosecutors, court secretaries and trainee judges become fully acquainted with the structure, mechanisms and key concepts of the development and application of EC law.

Specifically:
The various groups of judges, court secretaries and trainee judges shall receive training tailored to their specific needs. The central element of the training shall be the case law of the European Court of Justice of the European Communities, the Court of First Instance and the Supreme Courts and Constitutional Courts of the Member States of the European Union seen in the light of the legal implications of the EC law for a new member state.
  (i) The provision of basic training for judges will target 1179 judges.
  (ii) Refresher training shall be provided to judges who have already participated in basic training. This will involve about 1500 judges.
  (iii) The training-the-trainers programme shall continue. Reinforcement and deepening of knowledge of the 46 national trainers is a key element.
  (iv) Court secretaries and trainee judges will also receive training on Community law.

Training programmes for prosecutors will cover their specific needs, and in addition to the issues of EU law their training will be extended to Third Pillar Matters.
(i) The basic training will involve the training of 400 prosecutors.

(ii) The continuation of the training of trainers programme will involve 30 prosecutors.

(iii) For both groups of judges and prosecutors the training in Hungary will be supplemented by study visits to selected EU and Member State institutions.

- Besides the preparation of judges and prosecutors for the effective application of EC law by the time of accession the establishment of institutional structures for training will also be targeted in the project.

Availability of up-to-date legal documents for judges and prosecutors is a key element to their work. For this purpose it is necessary to assess the present situation in Hungary and to prepare a programme for sustainable solution.

(i) A feasibility study shall define the options and main elements of the institutionalising of training of judges and prosecutors.

The study will also pay attention to the issues of possible institutionalising of provision of full documentation of EU law for judges and prosecutors.

b) Operating environment

A Pre-Accession Adviser (PAA) will be placed at the Office of the National Council of Justice and will provide expert advice for effective implementation. The PAA will also be responsible to identify short-term experts with the assistance of his/her delegating institution.

The Pre-Accession Adviser will spend 21 months at the ONCJ. He/she will be provided with office space and office equipment necessary to his/her job.

The responsible staff members of ONCJ and OPG will co-operate in identifying needs and will arrange local inputs.

c) Background (qualification) of the PAA

The PAA must be highly qualified in all subject matters covered by the twinning arrangement, and must possess good management skills. He/she must be well acquainted with the mechanisms of making and enforcement of EU law. Experience in organising training programmes is a comparative advantage.

More specifically, the PAA

(i) shall have sound theoretical and practical experience in areas related to training of staff of public institutions;

(ii) shall have broad international contacts;

(iii) shall be familiar with the social and cultural environment of Eastern-European countries in pre-accession stage

(iv) shall liaise with Hungarian institutions

(v) shall be fluent in English.

d) Tasks of the PAA will be:

(i) to co-ordinate the programme,
(ii) to contract and mobilise short-term experts,
(iii) to ensure proper quality of outputs,
(iv) to liaise with Hungarian institutions,
(v) to prepare a feasibility study (proposals) on
   • the future sustainable training infrastructure, and
   • assessing the needs and possible solution for the provision of EU legal documents to judges and prosecutors including the option of establishing a documentation and information service centre for the judiciary resulting in a detailed needs analysis, and pre-investment studies in line with Phare requirements.
(vi) to provide detailed report on the impact of the training carried out.

e) Tasks of short-term experts

Areas not directly covered by the PAA can be taken over by short-term experts within the limits of the budget as stated at point 5 of the present fiche. Specifically their tasks will be:

(i) to contribute / prepare training materials and manuals (curricula),
(ii) to organise training,
(iii) to deliver training.

4. Institutional Framework

Pursuant to their statutes, the National Council of Justice (NCJ) and the Office of the Prosecutor General (OPG) are responsible for the training of the judiciary and the prosecutors in general respectively, including the one in Community Law.

The OPG is the independent prosecution service, and its head, the prosecutor-general is appointed by Parliament directly. The Prosecutor-General is responsible to the parliament only. There are no direct links to the Ministry of Justice.

The NCJ is the independent authority in charge of court administration, which also includes training. Once the budget, drafted by the NCJ and presented to parliament via the Government is approved by Parliament, only the NCJ is responsible for its implementation.

The NCJ's executive organ consists of 15 members. There are 10 judges and five other members among which the Minister of Justice. The prosecutor-general, the president of the national bar association and two MPs are also part of this body.

Both the NCJ and OPG adopt their annual plans of training. Number of staff at various levels of courts includes 2375 judges, 314 court secretaries (junior judges are or soon to be eligible for being appointed as a judge; in continuation court secretaries) and 309 trainee judges as of June 2000. At the same time, there are 1300 prosecutors, 100 junior prosecutors and 300 trainee-prosecutor. All of them require general and/or special training in EU law.

Both the ONCJ and the OPG have developed their respective strategic concepts (see annexes) to establish sustainable programmes for training.
Although there will be one project for the training of judges and prosecutors the implementation will involve both of the respective departments of ONCJ and OPG.

Under the supervision of the National Council of Justice, the Office of the National Council of Justice shall be responsible for the training of judges. The immediate responsibility of the implementation will fall on the Department of Human Resources and Training of the Office. In order to assure the proper co-ordination and organisation of the project activities a senior officer of the Office with organisational skills and experience will be designated as co-ordinator of the program.

The Office of the Prosecutor General through its Secretariat of International and European Affairs and its Department for Personnel and Training will be responsible for the management of the training of prosecutors sub-project.

5. Detailed Budget (€ Million)

<table>
<thead>
<tr>
<th>Component</th>
<th>Phare Support</th>
<th>National Co-financing</th>
<th>IFI</th>
<th>TOTAL</th>
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<tbody>
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<td>Investment Support</td>
<td>Institution Building</td>
<td>Total Phare (=I+IB)</td>
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<td>2.00</td>
<td>2.00</td>
<td>0.99</td>
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</tr>
</tbody>
</table>

Hungarian co-financing will cover e.g. provision of office equipment and space for the PAA, organisational costs of trainings (rental fees, accommodation, catering as well as local and international travel of trainees), and other costs non-eligible for Phare funding, as specified in the the “Reference Manual on Twinning Projects”.

6. Implementation Arrangements

Implementing Agency for the programme will be the Central Finance and Contracts Unit (CFCU). Ms. Judit Rózsa, Director of CFCU will be PAO.

The project will require smooth co-ordination between the two Hungarian institutions. In this respect the nominated co-ordinators of ONCJ and OPG will work as a team, continuously exchanging information and experience, developing a harmonised approach and synchronising their activities. The issue of co-ordination needs emphasis above all with regard to the development of the training curricula and materials. A memorandum of understanding shall govern the co-operation between the officials of the ONCJ and OPG.

A project steering committee will be established with the presence of ONCJ, OPG, the NAO, the CFCU, the EC Delegation. Other actors can be invited as appropriate.
6.1 Implementing Agency

PAO: Ms. Judit Rózsa, Director of CFCU
Address: Déák Ferenc u. 5.
H-1052 Budapest
Telephone: (+361) 327-3652
Fax: (+361) 327-3572
e-mail: cfcu@sdi.hu

For the ONCJ
SPO: Dr. Zsuzsanna Mohácsy, Department of Human Resources and Training Office of the National Council of Justice (provisional SPO)
Address: Szalay u. 16.
H-1055 Budapest
Telephone: (+361) 311-5281
Fax: (+361) 312-0841
e-mail: mohacyszs@justice.hu

For the OPG
SPO: Dr Ilona Lévai, Director General, Secretariat, Office of the Prosecutor General
Address: Markó utca 16.
1372 Budapest
PO. Box 438
Telephone: (+361) 269-2817
Fax: (+361) 269-2662
e-mail: ilona.levai@lugy.x400gw.itb.hu

6.2 Twinning

The project will be implemented in the form of one Twinning Covenant between Hungary and a Member State. The twinning partner will manage all aspects of execution in close collaboration with the NCJ and the OPG, as well as securing a pool of international and national experts for the purpose of training in Community law according to the Terms of Reference that will be prepared for the Covenant.

Member States may form a Consortium which shall result in a wide range of experience of short term experts gathered from different national administrations of more than one Member State, provided that national approaches can be harmonised within the Consortium.

The beneficiary institutions of the Twinning arrangement will be the Office of the National Council of Justice (ONJC) and the Office of the Prosecutor General (OPG). Contact persons are:

For the ONCJ
SPO: Dr. Zsuzsanna Mohácsy, Department of Human Resources and Training Office of the National Council of Justice (provisional SPO)
Address: Szalay u. 16.
H-1055 Budapest
Telephone: (+361) 311-5281
Fax: (+361) 312-0841
e-mail: mohacyszs@justice.hu

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SPO: Dr Ilona Lévai, Director General, Secretariat, Office of the Prosecutor General
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1372 Budapest
PO. Box 438
Telephone: (+361) 269-2817
Fax: (+361) 269-2662
e-mail: ilona.levai@lugy.x400gw.itb.hu
The Contracting Authority of the twinning component will be the CFCU, headed by Ms. **Judit Rózsa** (for details see 6.1 above)

### 6.3 Non-standard Aspects

The Practical Guide on Phare, ISPA and SAPARD contract procedures and the Twinning Manual will be strictly followed.

### 6.4 Contracts

One Twinning Covenant will be concluded covering the full amount of the project.

### 7. Implementation Schedule

<table>
<thead>
<tr>
<th>Component</th>
<th>Start of Tendering</th>
<th>Start of Project Activity</th>
<th>Project Completion</th>
</tr>
</thead>
</table>

### 8. Equal opportunity

Judges and prosecutors will be provided with training regardless of gender or other characteristics.

### 9. Environment

Not applicable.

### 10. Rates of return

Not applicable.

### 11. Investment criteria

Not applicable.

### 12. Conditionality and sequencing

#### 12.1 Conditionalities
- A memorandum of understanding covering the co-operation between the officials of the ONCJ and OPG in relation to the implementation of this Phare training project will be signed by the parties in April 2001. The text of the Document should be acceptable to the Commission.

#### 12.2 Sequencing

- Signature of the Memorandum of Understanding 2001
- Establishment of the steering Committee April 2001
- Selection of the twinning partner October 2001
- Project implementation November 2001 - July 2003
ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule
4.1 Reference to studies
4.2 Strategies (summaries)
4.3 Reference to Related Projects
5. List of relevant Laws and Regulations
6. Reference to relevant Government Strategic plans and studies
## LOGFRAME PLANNING MATRIX

### FOR PROJECT

#### Training of Judges and Prosecutors in EU Law

<table>
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<tr>
<th>Annex 1 to Project Fiche</th>
<th>Programme name and number: HU0103-02</th>
<th>Date of drafting: August 31, 2000</th>
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<td>Contracting period expires: 01/2003</td>
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<td></td>
<td>Total Budget: 2.99 (MEUR)</td>
<td>Phare contribution: 2.00 (MEUR)</td>
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### Overall Objective

Timely and correct application of the Acquis by the courts of law and offices of public prosecutions in Hungary.

**Objectively verifiable indicators**

- Increased consistency and stability of court rulings and prosecutors’ actions in matters of Community law and Third Pillar legislation

**Sources of verification**

- Reports of
  - National Council of Justice
  - Office of the Prosecutor General
  - European Commission

### Project Purpose

Hungarian judges and prosecutors deal competently with Community law and Third Pillar law.

**Objectively verifiable indicators**

- Hungarian courts rule in matters concerning Community legislation with the same level of competence and within the same timeframe as courts in Member States.
- Hungarian prosecutors operate at the same performance levels concerning Community law and Third Pillar law as prosecutors in Member States.

**Assumptions**

- Continued commitment to achieve and implement the Acquis in the area of justice and home affairs
- Easy access to documentation and information on the relevant Community and Third Pillar legislation for the judiciary
- Conducive working environment for judges and prosecutors

### Results

Almost all the judges, court secretaries, trainee judges will have received basic training in community law:

- About 50% of judges will have completed refresher course in their field of specialisation;
- A feasibility study defining the elements necessary for a sustainable training capacity for judges and prosecutors

**Objectively verifiable indicators**

- 1179 judges, 800 court secretaries and trainee judges trained in Community law on basic level
- 1500 judges with upgraded knowledge in Community law
- 46 national trainers fully prepared
- 400 prosecutors trained in Community law and third pillar matters on basic level
- 30 national trainers fully prepared in the field of public prosecution
- Medium-term concept document produced

**Sources of verification**

- Course evaluation reports
- Training concept paper

**Assumptions**

- Adequate provision from state budget for funding the selected option of the institutionalised training programme
- Trained judges and prosecutors will be retained in the judiciary and law enforcement systems.

### Activities

<table>
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<th>Means</th>
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- Develop curricula for the core and specialised training modules for judges and prosecutors, and prepare quality control of the training programme.
- Study options for institutionalising the training of judges and prosecutors
- Train judges, prosecutors, court secretaries, and trainee judges

| One Twinning covenant (one PAA and STAs) concerning training advice | Individual working schedule of the judges and prosecutors will be harmonised with the overall training programme |

**Preconditions**

- Practical organisational arrangements to ensure good co-operation between the two beneficiary institutions
- Provision of co-financing by the Hungarian Government ensured.
## ANNEX 2

### Training of Judges and Prosecutors

### IMPLEMENTATION CHART

<table>
<thead>
<tr>
<th>Year</th>
<th>2001</th>
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<th>2003</th>
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<tr>
<td>Twinning</td>
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<td>D</td>
<td>T</td>
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- **Design (20% shadowing)**: 20% T
- **Tendering and contracting (50%)**: 50% I
- **Contract Implementation and Payments (75%)**: 75% I
## ANNEX 3
### Training of Judges and Prosecutors

**CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE (MEUR)**

<table>
<thead>
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Amounts in MEUR.
ANNEX 4.1
Training of Judges and Prosecutors

REFERENCE TO STUDIES

I. TRAINING OF JUDGES
The programme for training judges is based on the following sets of documents:

- Internal documents, reports and proposals of the Office of the National Council of Justice,
- Study prepared in the framework of the HU9602 Phare programme (HU9602-02-02-0001),
- Reports of the HU9602-03-03-0002 Training of Judges contract,

a) Internal documents, reports and proposals of the Office of the National Council of Justice,

In 1998 following its establishment the Office of the National Council of Justice took over the task of training of Judges from the Ministry of Justice.

Soon after a report (28 156/OIT Hiv.) was prepared to provide reliable data on the status of community programmes and available documents of the period 1995-98 in relation to preparation of judges for the accession.

Training of judges on Hungarian law is the responsibility of the ONCJ. Training programmes are formulated in the form of proposals prepared by the office and following their approval, the NCJ resolutions provide the basis for their implementation (28 04/1998 OIT Hiv, The central training plan for judges for 1998; 28 075/1999 OIT Hiv, Central training plan for September 1999 to June 2000.

The report on the status of training of judges (28 166/OIT Hiv) addresses the issues of

- political transition and judicial reform,
- training of judges,
- training of court secretaries and trainee judges,
- advisory bodies,
- preparation on Community law, and
- ethics and judge training

The issue of preparation of judges on Community law is also addressed in the separate document of 28 168/OIT Hiv.

In 1999 and 2000 the issue of institutional background for training received increasing attention. In this regard the Proposal about the concept of training of judges (20 143/OIT Hiv.) and
the Report about the preparation of the Training Institute for Judges (28 160/OIT Hiv.) provide good basis for further actions.

A key conclusion of these papers was that an annual number of about 700 judges should receive training in Community law to ensure that all judges receive appropriate training by the time of accession.

Judges may be removed from their daily works with care to avoid additional backlog in their daily routine. It is the maximum of 5 days what they can be absent from the office.

b) HU9602-03-03-0001, Assistance to the setting up of appropriate implementation structures

The HU9602 European Integration programme included the project for the training of judges. In order to provide a sound basis for the utilisation of Phare funds, a comprehensive study was prepared by the expert of Berenschott Euromanagement FWC.

The study aimed at to prepare the ToR for the Phare financed training project. For this purpose a detailed assessment of the situation was made addressing the following issues:

- Relevant country background, legal system of Hungary:
  - the judicial system,
  - organisation of the court system,
  - The Supreme Court,
- Independence and impartiality of the judiciary:
  - individual independence,
  - remuneration of judges,
- The courts and the media;
- Rules of procedures;
- Legal instruments and their accessibility;
- Education in law and the legal profession in Hungary;
- Training courses implemented during the period 1995-1998 and their sources of finance.

In the course of elaboration the study, several officials of the judiciary were consulted, questionnaires were distributed and the answers processed.

In its annex, the study provides a comparative overview on training of judges in Sweden, Finland, Czech Republic, Slovak Republic, Poland and Slovenia.

Finally, the study identifies the needs and establishes the Terms of Reference for the Training of Judges project for Phare finance.

d) HU9602-03-03-0002 Training of Judges

The project was implemented during the academic year of 1999 and 2000.

The implementation the project was done by the EIPA, Luxembourg led consortium.
In spite of the initial programme of training about 670 judges, 750 judges received basic training on Community law in the framework of 5 days courses. Lecturers arrived from various leading institutions of the EU and Member States providing a wide scale of professional background.

The courses were rated high by the participating judges. The methodology applied by the consortium proved to be very good.

Experiences gained in this project are integrated into the annual training programme for the academic year of 2000/2001, and to the project proposal for Phare finance in COP 2001.

II. TRAINING OF PROSECUTORS

a) Internal documents and reports in OPG

The training programme for prosecutors is based on several internal documents prepared by OPG staff.

In addition the Final report of the recently completed Phare financed project give good basis for continuation.

Under the supervision of the Prosecutor General 1300 prosecutors, 50 prosecutorial secretaries and 281 trainee prosecutor work in county and town offices.

Their regular training is the obligation of the OPG.

The long term training concept developed by the Department of Human Resources and Training was approved by the Prosecutor General on the basis of annual training programmes and reports on their implementation since 1995.

The concept is in line with the Proposal of Lisbon Network, the information network of personnel and institutions responsible for training of judges and prosecutors in Europe. (Themis programme, 1995, Lisbon)

In addition the proposals of the following conferences contribute to the training concept:

- Warsaw, 17-18 December 1998 Conference on the judicial independence, competency and impartiality
- Budapest, 25-26 October 1999 Conference on training of trainers
- Rouen, October 1999 Eurojustice Conference.

At present the training system of prosecutors covers two separate systems:

- decentralised training of trainee prosecutors, and
- centralised training programmes for prosecutors.

1 Reg. num. Szem. 10/2/2000
According to the long term training concept the decentralised system should be completed with centralised components.

The document titled “Public Prosecution in the Third Millennium” specifies the need of improved co-operation between various institutions combating crime. Introduction of work of partner institutions should be included in training of trainee prosecutors.

The training system for prosecutors should meet the requirements specified in Act LXXX of 1994 on the Staff of the OPP, Chapter VI. For this purpose the establishment of training institute as the sustainable institutional basis of training has been initiated following the Budapest conference of the Lisbon Network in 1999.

Before that, however, the responsible officials of the OPG have already studied such training institutions of the EU. One of the most important consultations took place in Bordeaux in October 1999, where the directors and executives of such institutions from all over the word exchange view and experience.

b) HU 97 /IB/JH/02 TRAINING OF LAW ENFORCEMENT BODIES

Twinning project

The first Phare project having significant input on prosecutors’ training was the recently completed twinning Project Phare HU 97/IB/JH/02 “Training of Law Enforcement Bodies“

The project included the training of personnel in four different fields: Justice, National Police, Border Guard and Migration including Asylum covering the subjects of border-management, organised crime, asylum and migration.

The Prosecutors and Law enforcement officials participating in the programme have been provided with a solid theoretical and practical knowledge necessary to the application and implementation of the relevant acquis.

For the component: “Training of Hungarian State Prosecutors” France was the responsible MS partner.

The specific aims of this component were

- reinforcing the Hungarian Organisation of Public Prosecutions (OPP) through a general training programme
- giving Hungarian prosecutors a firm overall knowledge of the legal order of the European Community and of the administration of justice of the European Court of Justice, including the most important legal principles reflected in the case law of the Court.
- familiarising Hungarian prosecutors with the European Union’s third pillar law and its application (conventions, soft law, etc.) as well as with the relevant provisions of the Schengen Agreement.
- developing the knowledge of Hungarian prosecutors of the criminal justice systems of the Member States in order to facilitate their professional contacts in the framework of judicial co-operation.

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5 iktatási számok: Szem. 294/1/1996, Szem. 333/1/1999
• familiarising Hungarian prosecutors with specific methods and techniques used in the third pillar and other co-operation in general, and with those used in fighting organised, cross-border crime in particular.

• providing thus prosecutors participating in the programme with a solid theoretical and practical knowledge necessary to the application and implementation of the relevant Acquis.

In general the training was successful and met the highest quality requirements.

The Hungarian OPP has successfully been reinforced by the training programme aimed at the relevant Acquis Communautaire and at Hungary’s integration in the European Judicial cooperation. So the training will serve as a basis for further – specialised – training. The participants of the programme acquired a firm overall knowledge of the legal order of the European Community and the administration of justice of the European Court of Justice, including the most important problems reflected in the case law of the Court. Prosecutors who participated in the courses are more familiar with the European Union’s “third pillar” law and its application as well as with the relevant provisions of the Schengen Agreement.

The objectives set by the Covenant were achieved. In future training there should be more focus on the case law of the European Court of Justice; special attention should be given to the role of prosecutors in the Member States. It would be more reasonable to have prosecutors/judges amongst the lecturers who have the practical approach to the different subjects.

Prosecutors trained in this programme have to disseminate their knowledge through their every day work on a case-by-case basis. There is a further need to train in-service trainers, who need longer training as well as acquiring practical knowledge through secondments in European countries.
ANNEX 4.2
Training of Judges and Prosecutors

STRATEGIES

Summary of the long term training strategy of the National Council of Justice in Community law

1. Background

The National Council of Justice (NCJ) is a constitutionally independent organ responsible for all matters of the administration of the Hungarian courts including the basic and continuous training of judges. The corresponding legislation adopted by the Parliament establishes, on one hand, the right of the judges for being provided the training necessary to perform their duty; on the other hand, it stipulates the judges’ obligation to take part in the training needed for their judicial work. The law also stresses the obligation of the National Council of Justice to provide the necessary training to judges free of charge.

In its resolution of 56/1999 (VI.2) the National Council of Justice established Council of Judicial Training composed by judges and invited academics for the purpose of being advised by it in strategic and particular matters of the training of judges. The Council of Judicial Training is subdivided into different sections according to the specialities of judicial activity. The section of the community law advises the National Council of Justice and makes recommendations on the strategic questions of the training of the Hungarian judges in Community law as well as questions related to the national plan on the training in Community law adopted by the Council annually and its actual implementation.

Under the supervision of the National Council of Justice, the Office of the National Council of Justice, Department of Human Resources and Training is responsible for the technical implementation of training programmes including the development of training curricula.

The training strategy for judges comprises two main components, which are sub-divided into further elements:

a) training of judges
   • in Hungarian law, and
   • in EU law;

b) develop the institutional background for long term training programmes

2. Training

The overall aim of the training of judges is to make possible and sure that the judiciary perform its task vested upon it by the Constitution on a high professional level and meet requirements presented by new legal, economic and social challenges as well as the European integration, including the need of participating in an increasingly enhanced European judicial cooperation.

On the basis of the long term training strategy composed by the Office of the National Council of Justice and adopted by the Council itself, it approves the annual plan of the training of
judges which includes all the training programs and activities on legal questions related to the application of the national law as well as to the Community law.

Training of young lawyers in order to prepare them to become judge is done in the framework of practical training at courts that includes the theoretical element as well. As their practical and theoretical knowledge achieves the established a minimum level they are promoted to the position of court secretary before appointed to the position of judge.

Training programmes, therefore, cover the training of trainee judges, courts secretaries as well, and based on the experience gained in previous programmes, training modules according to their specific needs shall be developed.

The training of trainer programme started in the framework of the Phare project shall continue in order to improve and continuously up-date the knowledge of the pool of judges to create the required capacity as trainers in the long-term.

The ONCJ is also responsible for the provision of training material. For this purpose translation and elaboration of selected judicial literature are made and regularly up-dated.

Since its establishment, the ONCJ implemented training programmes for three academic years: 1998/99, 1999/2000, and 2000/2001. During the academic year 1999/2000 the training in EU law started with the strong support of the Phare programme (HU9602-03-03).

On the basis of the success achieved by the Phare financed training programme in EU law the NCJ Resolution 64/2000 (VII.5) states that the preparation of judges in EU law should follow the Phare established training methodology. According to the resolution the training of 700 judges are planned for the academic year of 2000/2001.

3. Establishment of a training centre

Bearing in mind the growing importance of the training of the judiciary in conditions of the rapidly changing social, economic and consequently legal environment, the National Council of Justice made a decision on setting up the National Judicial School aiming at institutionalising capacities and resources for a better and most appropriate performance in the field of judicial training. The future autonomous School will be not only the permanent centre of organising the judicial training but because of its structure it will have a stronger academic background to be also a strategic intellectual centre in the field of the judicial training.

The process of establishing the School has been already initiated and counts on some co-operation and assistance of the French School of Magistrates (Ecole Nationale de la Magistrature). Certain organisational and academic experiences have been exchanged.

4. Other co-operation

The wide-ranging bilateral co-operation with different member-states of the European Union also contains an ever-growing element of exchanging experiences on subject of the training of judges in Community law, as well as common bilateral and multilateral actions executing actual training activities.
5. Time schedule

The Hungarian judiciary must be ready for the application of EU law by the time of accession. Accordingly, the relevant government and NCJ resolutions specify that all judges must receive minimum basic training by that time.

NCJ resolution 27/2000 (III.1) initiates the establishment of a training centre for judges and instructs the ONCJ to develop a programme on its realisation.

6. List of legislation

• NCJ Resolution 56/1999 (VI.2) about the Establishment and Members of the Council of Judicial Training
• NCJ Resolution 27/2000 (III.1) about the Preparation of the Establishment of a Training Institute for Judges
• NCJ Resolution 64/2000 (VII.5) about the Programme for the Training of Judges in Academic Year 2000/2001
Long-term training strategy of the Organisation of Public Prosecutions (OPP)

- Summary -

The OPP is an independent, constitution-based organisation, subordinated only to the Parliament through the person of the Prosecutor General. The functional and administrative management of all prosecutors’ offices - including the training of some 1300 prosecutors, 100 junior prosecutors and 300 trainee prosecutors - is the responsibility of the Prosecutor General and his office.

The long-term strategy for training prosecutors is based on a document prepared by the Department of Human Resources and Continuous Training of the Office of the Prosecutor General and approved by the Prosecutor General. The long-term strategy is in accordance with the recommendations of the European Network of exchange of information between persons and entities responsible for the training of judges and public prosecutors (the Lisbon network). On the basis of the strategy, a detailed training plan is prepared and approved annually.

The aim of the continuous training of prosecutors is firstly to ensure that the OPP perform its constitutional task on a high professional standard, and secondly to enable the organisation to meet the new social, economic and legal challenges, such as globalisation, European integration, development of information technology and market economy, environment pollution, and organised and international criminality.

The internal training system of the OPP consists of two main parts; a) the training of trainee prosecutors, b) the training of practising prosecutors. In addition to this internal system, the OPP supports (financially and by giving working hours allowance) the participation of prosecutors in training organised by other governmental or civil organisations, for example postgraduate courses of colleagues and universities, conferences, scholarships, study visits etc.

- Basic level: Training of trainee prosecutors

The OPP provides training to post graduate lawyers for three years as prosecutors. Traditionally this element of the training system is decentralised on a large scale. It takes place at the local and county prosecutors’ offices and the execution is the responsibility of the county chief prosecutors. Each trainee has his or her instructor prosecutors coming from different fields of the profession whom he or she works with for 4-5 months.

According to the long-term strategy, this traditional training method should be supplemented by centralised elements in the future. The aim of this supplementation is to provide special knowledge, not available locally, to help the preparation of trainees for the special examination for practising lawyers and to unify the present decentralised system.

Centralisation of the system means that secondments to other judicial, governmental or
civil organisations and regular courses will be organised by the Office of the Prosecutor
General. As far as the latter is concerned, interdisciplinary seminars will take place for
lawyers entering the organisation in order to make them familiar with the status and re-
sponsibility of the OPP and of prosecutors. During their training, trainee prosecutors will
also attend to seminars, inter alia, on relevant new domestic legislation and practice, on
new developments of EU law, on problems causing special difficulties for beginners, on
practice of trial activity etc. As far as EU law is concerned, the long-term strategy empha-
sises that the new generation of trainees has already gained a firm general knowledge of
EU law at the university. Thus, they need refresher courses and specialised training in
those subjects, which has to do with the everyday work of prosecutors, such as judicial co-
operation, environmental law, consumer protection, company law etc.

• **Upper level: Training of practising prosecutors**

The internal training of practising prosecutors is based on a centralised system. Regular
specialised courses are organised by the Office of the Prosecutor General for prosecutors
working in different fields of law, for junior prosecutors and newly appointed prosecutors,
for leading prosecutors etc. The aim of these courses is to sustain the prosecutors’ compe-
tence in new legislation and in practice relevant to their work, to provide specialised
training for prosecutors working in different fields of law, to help young colleagues to
cope with their special difficulties, to discuss up-to-date questions of management with re-
sponsible persons etc. Preparation for EU membership by training in EU law, in European
comparative law and in foreign languages has a high priority. Since the majority of Hun-
garian prosecutors did not study EU law at the university, they need general and special-
ised training and also refresher courses in this field.

The long-term training strategy prescribes that the training of practising prosecutors
should be more general, more systematic, interdisciplinary and compulsory in the future.
This means that each prosecutor has to take part in training for a given number of hours in
every five years. The list of courses - including courses also on history of law, sociology,
psychology, economics, information technology, mediation, environmental protection,
rhetoric and ethics - should be prepared annually.

The Training Centre of Prosecutors, an institution to be set up in the near future in Budapest,
will execute the outlined centralisation and modernisation of the training system. The main
body of the Centre will be the Committee of Experts. The members of the Committee will be
prominent lawyers of high professional reputation appointed by and responsible to the Prose-
cutor General. The Committee will have the following duties: to elaborate the long-term and
the annual curriculum for both trainees and practising prosecutors, to invite lecturers, to de-
cide on the accreditation of training organised by other institutions and to guarantee the high
professional standard of the training. The new system of training should be in harmony with
the classification system of prosecutors (Act LXXX/1994, Chapter VI).

As part of the Training Centre a modern and well-equipped **Documentation and Information
Centre** should be established on the basis of the present library of the Office of the Prosecutor
General.
On the strength of all these we can state that the “Training of Judges and Prosecutors” Phare project is consistent with the long-term training strategy of the OPP, since

- training of both trainee and practising prosecutors in EU law is the top priority of internal education,

- training of national trainers is a useful contribution to the establishment of a sustainable training scheme for prosecutors,

- the new information and documentation centre will ensure that all necessary up-to-date information on EU law will be available for the purposes of training and everyday work.
The project is closely related to three Phare projects:

1. HU9602-03-03-0001 Training of Judges, Assistance to the setting up of appropriate implementation structures
   Need assessment and preparation of ToR for the training of judges in Community law.
2. HU9602-03-03 0002 Training of judges (budget 0.67 MEUR)
   The training of judges project HU9602-03-03 finished in July 2000. Against the number of 650, altogether 734 senior judges received basic training on Community law. The project includes a distance learning and self-training element
   Final report
3. HU9602-01-05 Court Information System (budget 1.06 MEUR) - Justicia.net phase I
   The project provides hardware facilities for effective use of the system in distance learning.
   Phase I is closed.
4. HU0007-02 Court Information System (budget 3,50 MEUR) - Justicia.net phase II
   The project is in the tender preparation phase.
5. Prosecutors are partly beneficiaries of the HU97IB/JH02 (HU9703-02-02-01 and HU9703-02-01-04) Training of Law Enforcement Bodies programme. This project involves legal training for about 450 prosecutors and some language training for 200 prosecutors. The legal training is carried out by the French twinning partner (ENM) from February to November 2000. The language training started in January 2000 and will be completed by the end of 2000.
   Project is closed.
6. In Phare project HU98IB/JH01 (Training in Areas of Investigation of Organised Crime Activities) prosecutors' involvement is marginal. Three prosecutors have been invited so far by the police authorities to participate in the project, namely in the cross-border criminality training course.
7. HU0007-01 Nation wide data processing system for the Organisation of Public Prosecutions of Hungary.
LIST OF RELEVANT LAWS AND REGULATIONS

The Constitution of the Republic of Hungary
Act No. V of 1972 on the Organisation of the Public Prosecution of the Republic of Hungary
Act LXXX of 1994 on the Staff of the OPP
Act No. XXXVIII of 1996 on International Legal Assistance in Criminal Matters
Act No. LXVI of 1997 on the Organisation and Administration of Courts (available in English)
Act No. LXVII of 1997 on the Legal Status and Remuneration of Judges
Act No. LXVIII of 1997 on the Service Relations of Public Servants Employed in the Field of Justice
Act No. CX of 1999 on establishing the seat and territorial competence of the National Court of Appeal as well as modifying some of the laws concerning the functioning of the justice system.
Government Resolution No 2319/2000 (XII. 21.) about tasks related to some questions on the Hungarian legal system affected by the accession to the EU.
NCJ Resolution 56/1999 (VI.2) about the Establishment and Members of the Council of Judicial Training
NCJ Resolution 27/2000 (III.1) about the Preparation of the Establishment of Training Institute for Judges
NCJ Resolution 64/2000 (VII.5) about the Programme for the Training of Judges in Academic Year 2000/2001
LIST OF RELEVANT GOVERNMENT STRATEGIC PLANS

Government Resolution 2282/1996 (X 25) Programme for the legal approximation and harmonisation to the internal market of the EU.

Government Resolution N° 2212/1998 (IX.30.) Three Years Legal Harmonisation Programme

Government Resolution N° 1063/2000 (VII.11.) Guidelines for the planning of Phare 2001 national programme