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## Costs

### Hungary

This page offers you information about the costs of justice in Hungary. For a more in-depth analysis on the costs of proceedings, please consult the following case studies: Family law - Divorce (Családjog - válás) Family law – custody of the children (Családjog - szülői felügyeleti jog) Family law – alimony (Családjog - tartásdíj) Commercial law – contract (Kereskedelmi jog - szerződés) Commercial law – responsibility (Kereskedelmi jog - felelősség)

#### Regulatory framework governing the fees of legal professions

##### Bailiffs

The amount of the bailiff's fee depends on the purpose of the enforcement order (végrehajtható okirat) issued (whether it is to collect a debt or enforce a specific action). If the enforcement involves the collection of a debt (pénzkövetelés behajtása), the bailiff's fee is proportional to the amount of the debt to be collected. If the enforcement involves a higher claim, the bailiff is paid a higher fee. If the duty involves the enforcement of a specific action (meghatározott cselekmény végrehajtása), the fee depends on how long this takes.

##### Attorneys (ügyvéd)

The Hungarian word ügyvéd is used for attorneys, advocates, solicitors, lawyers, and barristers. As a general rule, an attorney's fee is set by agreement between the party and the attorney. If no settlement is reached, the fee is decided by the court on the basis provided in law (5 percent of the claimed amount and at least 10,000 HUF). The parties can ask the judge to apply the fee stipulated by law if they do not want the settlement to become public.

##### Fixed costs

##### Fixed costs in civil proceedings

##### Fixed costs for litigants in civil proceedings

In first instance cases, the fee (illeték) for court proceedings is 6 percent of the value of the claim (between a minimum of 10,000 HUF and a maximum of 900,000 HUF). If the value of the claim cannot be determined, the law stipulates that 6% of a fictitious amount is to be paid.

The costs/duties of the court are always determined by law, as well as in the following cases:

**Divorce procedures** (házassági bontóper): 12,000 HUF

**Labour court procedures**(munkaügyi per): 7,000 HUF

**Administrative procedures**, except for cases on competition, public procurement, tax and electronic communication (közigazgatási határozat bírósági felülvizsgálata iránti eljárás): 20,000 HUF

**Administrative extrajudicial procedures** (közigazgatási nemperekes eljárás): 7500 HUF

Cost of general **procurement** (általános meghatalmazás): 18,000 HUF

**Insolvency procedures**: liquidation 50,000 HUF; bankruptcy 30,000 HUF

In cases involving **business associations** without the status of legal persons (jogi személyiséggel nem rendelkező gazdálkodó szervezet): liquidation 25,000 HUF, bankruptcy 20,000 HUF

**Arbitration**: 1 percent (a minimum of 5000 HUF and a maximum of 250,000 HUF). If the value of the claim cannot be calculated, the fee is 10 000 HUF

**Order for payment (fizetési meghagyás)**: 3 percent (a minimum of 5000 HUF and a maximum of 300,000 HUF).

**Appeal**: 6 percent (a minimum of 10,000 HUF, a maximum of 900,000 HUF)

**Reopening a procedure** (perújítás): fees must be paid again

Motion for **review** (felülvizsgálati kérelem): 6 percent in the case of decisions (a minimum of 10,000 HUF, a maximum of 2,500,000 HUF); in the case of orders (végzés), half of the costs payable for decisions (a minimum of 7000 HUF, a maximum of 1,250,000 HUF).

##### Stage of the civil proceeding where fixed costs must be paid

The obligation to pay **court duties** in civil proceedings arises when the request for litigation is made. Therefore, the court duties must be paid together with the request of litigation. If the party does not pay the court duties, or pays less than is required by law, the court must ask him/her to pay the remaining court duties on submission of the request. The court must also inform the party that the application will be rejected if the court duties are not paid in full.

The payment of the attorney's fee based on an agreement between the party and the attorney. The bailiff's fee must be paid in advance at the beginning of the enforcement procedure.

##### Fixed costs in criminal proceedings

##### Fixed costs for litigants in criminal proceedings

In the case of proceedings conducted solely under private prosecution involving private actions (magánvádas eljárás):

The fee for an impeachment procedure (feljelentés) is 5000 HUF

The fee for lodging an appeal is 6000 HUF

The fee for submitting a motion for review or re-opening a case is 7000 HUF

If a civil justice claim (polgári jogi igény) arises from criminal proceedings, the only fees payable are for filing the application and the appeal.

##### Stage of the criminal proceeding where fixed cost must be paid

Fixed costs must be paid at the beginning of the procedure on the document initiating the procedure by way of a stamp.

##### Fixed costs in constitutional proceedings

According to article 28 of Act XXXII of 1989 (az 1989. évi XXXII. törvény 28. cikke), proceedings before the Constitutional Court (Alkotmánybíróság) are free of costs.

However, an applicant who does not act in good faith when submitting a motion may have to pay costs.

##### Prior information to be provided by legal representatives

##### Rights and obligations of the parties

When practising their profession – with the means and in the manner provided for by law – attorneys help their clients to assert their rights and fulfil their obligations. Legal advisers (jogtanácsos) also help assert the rights of the organisations they represent.

This obligation covers the duty to provide the necessary information about rights and obligations, chances of success and the foreseeable costs of proceedings.

## Costs sources

### Where can I find information on cost sources in Hungary?

Information about cost sources is available on the homepage of the European Judicial Network (Európai Igazságügyi Hálózat):

[EJN Civil Justice Legal aid](#) (EIH Polgári igazságszolgáltatás - Jogsegély)

[EJN Civil Justice - Bringing a case to court](#) (EIH Polgári igazságszolgáltatás - Bírósághoz fordulás)

The homepage of the [Budapest Bar Association](#) (Budapesti Ügyvédi Kamara) also contains information on attorneys' fees.

### In what languages can I obtain information on cost sources in Hungary?

Information on cost sources is available on the homepage of the [European Judicial Network](#). Here you can find the relevant information in every official language of the European Union.

The homepage of the Budapest Bar Association contains information on costs in Hungarian only.

### Where can I find information on mediation?

Information on mediation may be found on the following websites:

[EJN Civil Justice mediation](#) (EIH Polgári igazságszolgáltatás - közvetítés)

[Hungarian Register of Mediators](#) (Közvetítők magyarországi adatbázisa)

[Central Office of Justice of Hungary](#) (Központi Igazságügyi Hivatal)

### Where can I find additional information on costs?

#### Available website on cost information

You can find additional information concerning costs on the website of the [Budapest Bar Association](#)

### Where can I find information on the average length of time that different procedures take?

Information on the length of proceedings can be found on the website of the [Courts of the Hungarian Republic](#) (Magyar Köztársaság Bíróságai).

Other relevant links are:

[Statistics on the court cases of Hungarian courts](#) (Statisztika a magyar bíróságok ügyeiről)

[Statistics on ongoing cases as of December 2008](#) (Statisztika a folyamatban lévő ügyekről a 2008. decemberi állapot szerint).

Information on statistical tables is available in Hungarian only.

### Value Added Tax (hozzáadottérték-adó)

#### How is this information provided?

The costs indicated above for attorneys are net costs, so VAT (HÉA) will be added.

#### What are the applicable rates?

In Hungary, the VAT rate was 20 percent until 1st July 2009, after which it increased to 25 percent.

#### Legal aid (költségmentesség)

##### Applicable income threshold in the area of civil justice

There are two minimums:

The net sum of the minimum retirement pension (now 28,500 forint), below which all legal aid assistance is free of charge.

43 percent of the average national income (the sum is now 72,000 forint), above which no aid is available.

Legal aid payments can be made in advance.

##### Applicable income threshold in the area of criminal justice for defendants

In criminal proceedings, the suspect or the accused may receive **free legal representation** if:

He or she is free of charges based on his or her personal conditions – the income threshold for this is in case of persons living alone, the double of the net minimum pension (it is now 28500 forint) in case of persons living in one household the net minimum pension per person

In the case of obligatory legal representation, if the accused does not have a defense attorney. In this case, if the defendant is sentenced in the proceeding he has to pay back the fee of service to the state.

##### Applicable income threshold in the area of criminal justice for victims

The income threshold is 86 percent of the average national income (approximately 130 000 forint). Legal assistance for victims includes legal representation.

##### Other conditions attached to the granting of legal aid for victims

Besides the set income thresholds, the victim must fulfil two other conditions:

He or she must make an impeachment/complaint

He or she must obtain a certificate from the authority responsible for assisting victims. The certificate must contain proof of certain conditions (that he/she turned to the relevant authority within the time limit foreseen in law)

##### Other conditions attached to the granting of legal aid for defendants

There are no other conditions attached to granting legal aid to defendants.

### Cost-free court proceedings

#### The following are exempt from duty in civil cases:

the proceedings if the court ex officio rejects or has to reject the petition without the issue of a subpoena;

proceedings for legal remedy instituted against decisions in cases of exemption from charges and rights of pre-notation of duty (when the state prepays costs instead of the party);

in actions for divorce, the counter-action instituted with regard to the marriage;

proceedings related to the declaration of death and the establishment of the fact of death, if disappearance or death took place in consequence of an event of war or natural disaster;

proceedings for the registration of foundations, public foundations, non-governmental organizations, public corporations, European groupings of territorial cooperation. Furthermore, proceedings for the registration of Employee Stock Ownership Plan organizations and for the approval of participation in a European grouping of territorial cooperation;

petitions for the dissolution of terminated firms, including the petitions lodged in simplified dissolution procedures with the name of the receiver indicated;

petitions for the correction, and/or supplementation of decisions;

proceedings related to the electoral roll;

proceedings related to reported changes upon being registered in the register of legal advisors;

appeals against resolutions prescribing transfer;

court review of administrative decisions passed in indemnification cases;

tax settlement proceedings of local governments;

proceedings initiated by independent court bailiffs in connection with judicial enforcement proceedings, and the proceedings initiated for the enforcement of court decisions (court settlement) adopted in accordance with Council Regulation (EC) No. 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, Regulation (EC) No. 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims, and Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No. 1347/2000; proceedings instituted on the basis of favourable decision by the Constitutional Court.

any lawsuit in connection with the protection of personal data and access to information of public interest.

the court review of an administrative decision for the authorization of legal aid.

non-judicial proceedings for the review of resolutions for preliminary injunction or a temporary restraining order, or preventive injunction granted pursuant to specific other legislation in connection with domestic violence.

the judicial review of an administrative decision adopted on the subject of aid to crime victims.

**The followings are exempt from duty in criminal proceedings:**

in proceedings conducted solely under private prosecution, the appeal, petition for reopening the case and motion for review filed by the defendant and the defense counsel;

proceedings conducted solely under private prosecution, if the court dismisses the case prior to the commencement of personal hearing, or if the case is dismissed due to clemency;

the petition for clemency or court dispensation if submitted by the defendant or the defense counsel.

the proceeding for the authorization of personal exemption from charges.

the one-time provision of copies of documents to the defendant, the defense attorney or the legal representative of a minor who has been accused of a crime.

a copy of the accusation report provided to the accuser.

Besides the subject-oriented exemption, personal duty exemption may also be granted.

Personal exemption is granted among others to non-governmental organisations, public corporations, churches, association of churches, religious institutions, foundations, public foundations, non-profit business associations of the status of public benefit organization or priority public benefit organization, the North Atlantic Treaty Organization, the European Communities, their institutions and bodies, agencies and separate funds.

**When does the losing party have to pay the winning party's costs?**

In its final decision, the court requires that the losing party pay the costs incurred by the winning party within a period of 30 days. The losing party pays the costs directly to the winning party and, if she or he fails to do so, enforcement proceedings are initiated.

**Experts' fees**

As a general rule, the experts' fees are paid by the losing party, and if (in specific cases) the state is responsible for paying the costs, it also bears the costs of experts. Where the costs are prepaid by the state, experts' fees are also included.

**Translators' and interpreters' fees**

As a general rule, translators' and interpreters' fees are paid by the losing party, and if (in specific cases) the state is responsible for paying the costs, it also bears the costs of experts. Where the costs are prepaid by the state, these fees are also included.

**Related Links**

[Homepage of the Budapest Bar Association](#) (A Budapesti Ügyvédi Kamara honlapja)

**Related Attachments**

[Hungary's report of the Study on Transparency of costs](#)  (533 Kb)  (Magyarország jelentése a költségek átláthatóságáról szóló tanulmányról)

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