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Service of documents: official transmission of legal documents

Hungary

1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

Under *Act CXXX of 2016 on the Code of Civil Procedure* ('Act CXXX of 2016'), unless otherwise provided for by law court documents are to be served to the addressee by post, in accordance with the legislation relating to the service of official documents. The addressee may also take delivery of the document addressed to them at the court office, upon presenting proof of identity. In the case of mandatory or optional electronic communication, the documents are served electronically.

Please see also the section on [Automatic processing](#).

The purpose of serving official documents is to inform addressees of the content of the documents, but in a manner that also enables senders to prove that the documents were transmitted to the addressees. The act itself, its date and the result of the service must be evidenced. Official documents may be sent by registered mail with acknowledgement of receipt especially intended for this kind of service.

2 Which documents need to be served formally?

Under *Act CLIX of 2012 on postal services* ('Act CLIX of 2012'), the documents that must be served officially are the ones in the case of which the sending or service (attempted service) or the date thereof have legal consequences by law, the ones providing the basis for calculating statutory deadlines, or the ones classified as official documents by law.

Under Act CXXX of 2016, in civil action proceedings the following must be communicated by way of service:

- judgments and injunctions to the parties;
- orders passed at the trial, to the party that was not duly summoned to the trial;
- certain orders specified by Act CXXX of 2016 and passed at the trial, to the party who failed to appear at the trial;
- orders passed out of trial, to the party concerned;
- all decisions issued in the course of the procedure, to the person in whose interest the proceedings were brought by the prosecutor or the person authorised to bring proceedings.

3 Who is responsible for serving a document?

The court and the postal service provider are responsible for serving documents, under the legislation applicable to them.

4 Address inquiries

4.1 Under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the addressee no longer resides at the address known to the requesting authority?

There is no such obligation, but it is not excluded, for example, that the court may check the current address of the company entered in the trade register and arrange for service accordingly.

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

Residential address of natural persons:

In Hungary, the central register of residential addresses is maintained by the Office of the Deputy State Secretary for Record Keeping of the Ministry of the Interior (Belügyminisztérium Nyilvántartások Vezetéséért Felelős Helyettes Államtitkársága, 'BM NYHÁT') http://nyilvantarto.hu/hu/adatszolgaltatas_szemelyi. It is possible to use this register to obtain the address details of individually identified persons. Such applications may be submitted by private or legal persons or entities without legal personality, provided that they justify the purpose and legal basis of using the data.

The application may be submitted in person at any district office or abroad at the [Hungarian diplomatic representation](#) competent for the foreign residential address.

A written application may be submitted at any district office. If the data requested is not available at the district office, then

- requests by public authorities and applications for data disclosure by public authorities may be submitted at the BM NYHÁT Department for Personal Records and Management, Domestic Legal Assistance Section (BM NYHÁT Személyi Nyilvántartási és Igazgatási Főosztály Belföldi Jogsegélyügyek Osztály), postal address: H-1476 Budapest, Pf. 281.;
- all other requests by applicants not included in the above (e.g. private individuals, companies, etc.) may be submitted at BM NYHÁT Department for Personal Customer Service and Document Oversight (BM NYHÁT Személyes Ügyfélszolgálati és Okmányügyeleti Főosztály), postal address: H-1553 Budapest, Pf. 78.

- A written application may be submitted abroad at the [Hungarian diplomatic representation](#) competent for the foreign residential address.

The application must contain the following:

- the applicant's details, the name, address, registered office or place of business of the applicant or his/her representative;
- the exact enumeration of the data requested;
- the purpose for which the data will be used;
- the natural personal identification details that can be used to identify the person named in the application (name, place and date of birth, mother's name) or the name and the residential address known by the applicant (name of locality, street name, house number).

Documents to be submitted with the application:

- The document justifying the legal basis for using the data.
- The authorised representative must present a power of attorney, unless it is already entered in the Client Setting Register ('rendelkezési nyilvántartás'). The power of attorney must be an official document or a certified private document, otherwise it must be placed on record.

Unless the power of attorney provides otherwise, it covers all declarations and acts relating to the procedure.

If there is any doubt concerning the authenticity or content of an official document which was issued abroad, the authority will ask the applicant to present the official foreign document with an apostille.

If the applicant submits the certified Hungarian language translation of a document issued in another language, the authority will accept it on the basis of the content of the translation.

The procedure is subject to an administrative service fee payable subsequently:

- for the supply of data concerning 1 to 5 persons: HUF 3 500;
- for the supply of data concerning more than 5 persons: the number of persons concerned multiplied by the rate of HUF 730/item.

In the case of applications submitted from abroad or through the Hungarian diplomatic representation accredited to the country of the applicant's place of residence, the fee must be paid subsequently as a consular fee at the competent Hungarian representation.

Companies:

In the case of companies, the most important information on the trade register, including the address, is available free of charge at the following website, in Hungarian: <https://www.e-cegjegyzek.hu/>

4.3 How do the authorities in this Member State deal with a request sent under the Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters aimed at discovering a person's current address?

The Regulation does not provide clarity as to whether requests aimed at discovering residential addresses fall within its scope. Therefore, it is for the court to decide whether it will meet such requests. However, Hungarian courts may request address details from the BM NYHÁT, and therefore meeting such a request for legal assistance is not excluded in practice.

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

Under *Government Decree No 335/2012 of 4 December 2012* establishing detailed rules governing postal services and the serving of official documents ('Government Decree No 335/2012'), the postal service provider serves official documents sent with acknowledgement of receipt, by delivering them in person to the addressee or other authorised recipient.

If the addressee is a natural person and is absent from the premises at the time of the attempted delivery, the document must be served in the first instance to the addressee's proxy present there. If at the time of the attempted delivery both the addressee and their proxy are absent, according to the statement of the substitute recipient, the document may be served to the substitute recipient present.

In the case of an organisation, the person entitled to receive the documents is the representative of the organisation.

An employee who does not qualify as a representative of the organisation may be considered by the postal service provider to be entitled to take delivery of the mail as an occasional recipient.

The service provider serves the mail through the organisation operating at the location indicated in the address (indirect service) if the addressee's address, place of residence or workplace is one of the following: Hungarian Defence Forces, Military Intelligence Service, law enforcement agency, penal institution, youth detention centre, healthcare or social facility, hotel, student hostel, workers' hostel or holiday resort.

Under Government Decree No 335/2012, the service provider makes two attempts to serve mail sent as an official document. If the first service attempt fails because the addressee or the authorised recipient is not present at the address, the service provider leaves a notice, makes the official document available at the delivery point indicated in the notice, and makes another service attempt on the fifth working day following the unsuccessful service. If the second service attempt fails, the service provider again leaves behind a notice for the addressee and makes the official document available at the delivery point indicated in the notice for five working days following the date of the second service attempt. Pending the second service attempt, the official document may be collected from the delivery point indicated, upon presenting proof of identity. If the official document is not delivered by the deadline indicated in the second notice, on the next working day the service provider returns the official document with the indication "not collected".

In this case, under the provisions of Act CXXX of 2016, the document must be regarded as served on the fifth working day following the date of the second service attempt, unless proven otherwise. The service is not considered lawful if the document was served to a substitute recipient rather than the addressee, and the substitute recipient was the opposing party or their representative in the judicial procedure. In the case of serving a document instituting proceedings or a substantive decision concluding the proceedings, the court notifies the addressee within eight working days of the presumption that the document has been served. If an e-mail address is available, the notification must be also sent to the e-mail address.

The addressee may also collect the document addressed to them at the court office, upon presenting proof of identity.

Act LIII of 1994 on enforcement proceedings ('Act LIII of 1994') regulates service by bailiff as an alternative method of service allowed in the case of substantive decisions constituting the basis for enforcement, where the presumption of service has taken effect and the party entitled to present the enforcement request has explicitly requested it and paid an advance for the costs. Under Act LIII of 1994, the bailiff may also serve the enforcement documents in person, in accordance with specific legislation. If the procedure fails, the documents may be served under a new procedure in accordance with the general rules applicable to the service of official documents.

Act CXXX of 2016 and *Act L of 2009 on the order for payment procedure* specifies other cases where service by bailiff may be applied.

In addition to the above, in the cases specified by law, service may be carried out by special service entities, e.g. through court staff (e.g. serving summonses to civil trials if urgent).

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method foreseen? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?

Under Act CXXX of 2016, a distinction is made between mandatory and optional electronic communication.

Under *Act CCXXII of 2015 on the general rules applicable to electronic administration and trust services* ('Act CCXXII of 2015'), those legally required to use electronic communication (e.g. legal representatives and companies) must submit all applications to the court by electronic means only, in the manner provided for in Act CCXXII of 2015 and its implementing decrees. The court also serves them documents by electronic means.

Parties to proceedings who are not obliged to use electronic communication, or their representatives if not classed as legal representatives, may – with the exceptions set out in Act CXXX of 2016 – submit all documents electronically if they so wish in accordance with the provisions of Act CCXXII of 2015 and its implementing decrees. If a party or their representative chooses electronic communication, the court will serve all court documents electronically.

In the case of electronic communication, continuous contact with the court through the electronic service system is ensured. The party opting for electronic communication is notified whether their submission complies with the IT requirements.

The secure delivery service guarantees, among other things, that the sender is notified of the receipt of their messages, and whether delivery was unsuccessful. The service provider is required to issue immediate certification to the sender, to be sent to the e-mail address provided, confirming the information pertaining to the document service event.

For documents served using secure delivery services, five working days should be allowed for receipt, unless otherwise provided by legislation. If the addressee does not take delivery of the mail within that time limit but does not refuse delivery either, a second service notification is sent on the first working day following the period of five working days.

Since the introduction of electronic communication into procedural law, the provisions of Act CXXX of 2016 pertaining to the presumption of service (detailed below) apply not only to postal delivery but to all legal means of serving documents, including by electronic means.

In urgent cases, summons to civil trials may be delivered by e-mail even in the absence of electronic communication.

7 'Substituted' service

7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?

Under Act CXXX of 2016, if the party's place of residence is unknown and the court document cannot be served on the party by electronic means either, or if the party resides in a state not providing legal assistance for service, or if there are other irremovable obstacles preventing service, or if the law so provides, service must be performed by poster advertising. As a general rule, the court may order service by poster advertising upon request by the party, provided that there are substantiated grounds for doing so.

The poster advertisement must be displayed for fifteen days on the central website of the courts, on the notice board of the court, and on the notice board of the local mayor's or council office at the party's last known place of residence. If the party's e-mail address is available, the poster advertisement must be also sent to the e-mail address.

7.2 If other methods are applied, when are the documents deemed to have been served?

In the case of service by poster advertising, as a general rule, documents must be regarded as served on the fifteenth day of the advertisement being displayed on the court's central website.

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

Under Act CLIX of 2012, the service provider and the addressee may agree that the mail arriving for the addressee should be served not at the address indicated on the mail but at another address. Under Government Decree No 335/2012, the postal service provider provides information on the arrival of official documents addressed to a post office box by leaving a notice in the box even if the official document is addressed to the post office box but it is not for the lessee of the post office box.

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

Under Act CXXX of 2016, court documents must be regarded as served on the date of attempting service if the addressee refuses to accept service.

8 Postal service from abroad (Article 14 of the Service Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 14 of the Service Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

In the case of service under Article 14 of the Regulation, the postal service provider in Hungary has no information that the mail received from abroad is an official document. Therefore, it applies not the particular rules applicable to the service of official documents but only the general domestic rules applicable to registered mail (with acknowledgement of receipt).

The information in point 5 on persons authorised to receive documents applies in respect of official documents.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 14 of the Service Regulation No. 1393/2007, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?

If the addressee or other authorised recipient is not present at the address at the time of attempting service, the service provider leaves behind a notice informing the addressee that the document is available for the addressee at the delivery point of the service provider. The document can be collected at that address by the addressee, an authorised representative or a substitute recipient having their domicile or place of residence at the given address. If the addressee or other authorised recipient does not collect the mail by the deadline indicated in the notice, the service provider returns the document as undelivered.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

The period of availability is determined by the postal service provider. In the case of Magyar Posta Zrt., it is ten working days from attempting service. For the method of communication, see the previous point.

9 Is there any written proof that the document has been served?

The written proof of service is the acknowledgement of receipt, which indicates the outcome of the service procedure, i.e. the recipient, the recipient's function if not the addressee (e.g. authorised representative), the date of receipt or, if there is no delivery, the obstacle that prevented it (e.g. refused receipt, "not collected"). The service provider returns the acknowledgement of receipt to the sender in all cases.

10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?

Under Act CXXX of 2016, if the presumption of service has taken effect (the addressee refused receipt or did not take delivery of the document in spite of two attempts to serve it), the addressee may raise an objection with the court conducting the proceedings under which the service took place, on the basis of any of the grounds set out below, within fifteen days of learning about the presumption of service being effected or of learning about the service in the case of a document considered served without presumption of service. As a general rule, no objection can be submitted more than three months after the date presumption of service takes effect or the date of service. If the presumption of service or the service concerns a document instituting proceedings, the objection may be lodged while the proceedings are in progress, within fifteen days of learning about the presumption of service or learning about the actual service of the document.

The court will uphold the objection if the addressee was not able to receive the court document because:

- a) the service was effected in violation of the legislation applicable to the service of official documents or was not lawful for other reasons, or
- b) the addressee was not able to receive the document for other reasons not mentioned in point a) through no fault on their part.

An objection against the presumption of service on the grounds covered under point b) may be raised by natural persons only.

If the court admits the objection, the legal consequences connected to the service become void and the service and any measures and procedural actions already taken must be repeated as necessary.

An objection may also be raised in the course of enforcement proceedings. In the event that the decision considered to be served becomes final, the addressee may – on the grounds already described – submit an objection to the court that issued the decision at first instance during the enforcement proceedings, within fifteen days of learning about the proceedings to enforce the decision.

As a general rule, the court may order service by poster advertising upon request by the party provided that there are substantiated grounds for doing so. If the facts presented in the application for poster advertising prove to be false and the applicant party was aware or had reasonable grounds to be aware of that, the party must be ordered to pay the costs incurred in connection with the poster advertising, irrespective of the outcome of the proceedings, and the court will also impose a fine.

A final judgment may be subject to revision where the document instituting the proceedings or another document was served to the party by poster advertising in violation of the rules applicable to service by poster advertising.

11 Do I have to pay for service of a document, and if so, how much?

Court fees also include the costs of document service. Therefore, the party does not have to pay the costs of service in court proceedings. The only exception is service by bailiff under Act LIII of 1994, where the person requesting enforcement must pay the related costs in advance. In accordance with the law, the bailiff is entitled to a fee of HUF 6 000 and a lump sum of HUF 1 500 to cover costs, regardless of the number of service attempts.

If the enforcement proceedings are started on the basis of the document to be served, the costs are borne by the debtor. The costs relating to service by poster advertising must be paid in advance by the person requesting service by poster advertising.

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