Online processing of cases and e-communication with courts

Vengrija

1 Is it possible to initiate court proceedings via the internet?

Yes, it is possible. The detailed rules of communication with the courts by electronic means are accessible at https://birosag.hu/e-per-2018/e-kapcsolattartas-altalanos-tajekoztato and the related links.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

An important change compared to previous regulations on proceedings that may be initiated over the internet is that for certain contentious and non-contentious proceedings initiated on 1 January 2018 or afterwards the parties not only have the opportunity to conduct their affairs electronically, but have a duty to do so. Thus, as a general rule, any economic operator, State, municipality, budgetary agency, public prosecutor, notary, public body, other administrative body acting as a client and the legal representative of such client are obliged to conduct their affairs electronically.

In addition, certain types of cases may only be conducted electronically irrespective of whether the parties are acting in any of the above capacities. For example, a procedure for company registration (or a change in company data) may only be initiated electronically and in civil registration procedures an application may only be filed electronically if, for example, the applicant requests a simplified procedure for registration (change of data) or an organisation files an application to be qualified as a public benefit entity, while bodies that are already public benefit entities may only file their submissions electronically following this date.

If an applicant is not required to use electronic means, they may still choose to file their application electronically.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

Yes, the facility is available at all times except for periods of scheduled maintenance works and unforeseen malfunctions in system operation. Time-limits set in days and working days by legislation or the court do not include any day - or for time-limits set in months and years the day of the deadline - on which a malfunction or an interruption of service, as defined in legislation, lasted more than four hours. If a time-limit set in hours were to expire during a malfunction or interruption of service, as defined in legislation, the time-limit will expire at the end of the first hour following the start of office hours on the next working day. If the interruption of electronic services exceeds one working day, the body providing electronic administration services must provide for the receipt and processing of clients' submissions in a manner that does not require electronic means, even in cases where the relevant legislation only allows electronic processing for that type of procedure.

4 Should the details of the claim be provided in any particular format?

If a standard form exists for filing an application (submission) or its attachment, it cannot be changed, thus the format of the data cannot be modified either. The forms may be viewed at https://birosag.hu/ and may be filled in with the help of the Általános Nyomtatványkitöltő Program (framework programme for filling in forms). In accordance with Government Decree No 451/2016 of 19 December 2016 on the detailed rules of electronic administration and the order of the National Office for the Judiciary, the file formats that may be inserted into specific court e-files are: .odt, .doc, .docx, .pdf, .txt, .xlsx, .ods, .tif, .tiff, .bmp, .jpg, .jpeg, .png, .mp4, .m4a, .avi, .mp3, .wav. Attachments in .dosszie, .dossirt, .es3, .etv, .eak, .et3, .nsack., .pdf, .asic or .asice format may be attached to the forms. It is important that the size of individual files attached to the forms may not exceed 150 MB, while the total size of all attachments attached to the forms may not exceed 300 MB. If the total size of the attachments to be attached to the form or submission nevertheless exceeds the size limit of 300 MB, the files to be attached may be submitted on a storage medium, as an enclosure to a special form No 28 designated for this purpose, in a number of copies that is one more than the number of parties concerned by the case. The court only accepts submissions on CD R-, CD R+, DVD R-, DVD R+ and USB key as storage media.

5 How is transmission and storage of data secured?

In electronic procedures, the secure transmission and storage of data is ensured by the IT tools protecting communication, delivery and internal administrative systems. Procedures may be conducted online only through a 'client gateway' (*'ügyfélkapu'*), 'company gateway' (*'cégkapu'*) or 'official gateway' (*'hivatali kapu'*), following prior registration. The transmission and storage of data is secured for example by electronic identification services, secure delivery services and electronic signature services, as well as the strict provisions laid down in Act L of 2013 on State and local governments' electronic information security and other related legislation.

For example, persons communicating by electronic means have the opportunity to send their submissions to the court encrypted with their own encryption key in addition to using the encryption key released by the court. The encryption key is sent to the court as part of the submission of the person communicating by electronic means and in such cases the court serves the court's documents on the person communicating by electronic means encrypted with the encryption key of that person.

6 Is it necessary to use any kind of electronic signature and/or time record?

A submission submitted by electronic means to the court must be filed in such a way that

• the signatory has affixed his/her qualified electronic signature or advanced electronic signature or seal based on a qualified certificate on the electronic document and has affixed it with a time stamp, where required by law,

• the signatory authenticates the electronic document using an identification-based document authentication service, or

• the electronic document has been created within the framework of a service where the service provider assigned the document to the issuing person by identifying the issuer and the assignment to such person was authentically certified with information that can clearly be traced back to a signature in the issuer's own hand or on the basis of such information, and the service provider issued a certificate of having clearly assigned the document to the person in a clause that is linked to and inseparable from the electronic document and the service provider has affixed the clause, together with the document, with at least an advanced electronic seal and at least an advanced time stamp.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Court fees and the fees payable for procedures are the same for both paper-based and electronic proceedings.

If there is an obligation to pay a fee, in addition to indicating this in the application, the field 'Payable fee' (on the form to be submitted) also needs to be filled in with the appropriate amount and then the fee may be paid according to the acknowledgement of receipt automatically received following the submission of the form. The fee may be paid through the Electronic Payment and Settlement System (*'Elektronikus Fizetési és Elszámolási Rendszer'* - EFER), which

allows fulfilment of a payment obligation on the Judicial Payment Portal (*'Igazságügyi Fizetési Portál'*) from a VPOS/home banking interface. Another method for the payment of fees is to transfer the fees to the account of the regional court held at the Hungarian State Treasury for this purpose.
In the case of procedures for the registration of companies (or a change in company data) the fees for the procedure and the publication costs are payable, by electronic means, prior to the submission of the application for registration (or change of data), indicating the file number for the payment of fees and costs which may be downloaded from the website of the Company Information System. Fees must be paid by transfer to the account of the Commercial Court kept for this purpose with the Hungarian State Treasury while the publication cost is payable to the treasury account of the ministry headed by the minister for justice.

8 Is it possible to withdraw a claim that has been initiated via the internet?

It is not technically possible to withdraw a document once it has been submitted. Proceedings may be discontinued (or other applications or appeals withdrawn) strictly in accordance with the rules of civil procedure. Parties opting for an electronic procedure have the same rights and obligations as parties submitting their applications on paper.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

Electronic administration does not depend on the form the claimant has chosen to conduct his or her affairs; rather, it depends on whether the defendant is required to conduct his or her affairs electronically. If the defendant is a person required to conduct his or her affairs electronically under Question 2, as a general rule, he or she may make a declaration concerning the claim only through the internet and according to conditions laid down in legislation, otherwise his or her submission will be invalid. In other cases the defendant may freely choose whether he or she wishes to respond on paper or by electronic means. If the defendant chooses to proceed by electronic means (submitting documents by electronic means), he or she must communicate with the court during the procedure by electronic means and the court will also serve all court documents to such party by electronic means. If a party proceeding without legal representation or the party's representative not qualifying as a legal representative has undertaken to communicate electronically with the court, the court may be requested afterwards to authorise a transition to a paper-based procedure at the same time as a paper-based submission is filed. The application must make the case that, due to changes in the situation of the party or his or her representative, continuing the procedure by electronic means would represent a disproportionate burden.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

The same rules of procedure apply in electronic and paper-based procedures.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

See the answers to Questions 9 and 10.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

If in a given case electronic administration is compulsory for the party or if the party has opted for this form of administration, the document and its attachments must be submitted on a standard form - if available - and the form to be used in this case is non-editable. If there is no standard form available for documents or attachments, the parties must submit such documents and attachments in a format which corresponds to any of the document formats approved by the President of the National Office for the Judiciary and listed under Question 4, according to the rules described there. (Exemptions from the obligation to submit documents by electronic means are specified in legislation, thus currently it constitutes an exemption from the obligation of submission by electronic means if a document has to be presented and inspected in paper form in the procedure, which may in particular occur if the authenticity of a paper-based document is contested.)

13 Can judicial documents, and particularly judgments, be served via the internet?

Yes, it is possible. Court documents are served by the court by electronic means on parties proceeding by electronic means on the basis of the rules described under Questions 2 and 9. Court documents served electronically are sent to the sender's online document storage facility within the client gateway, official gateway or company gateway, where the document may be received by opening the internet link pointing to the document. The document is considered to have been served when it is opened and the system generates an electronic acknowledgement of service which is automatically sent to the court.
Mail served at the official address is considered to have been served at the time indicated on the acknowledgement of refusal even if the service provider of the official address confirms that the addressee has refused delivery of the mail or on the fifth working day following the time indicated on the second notice if the service provider of the official address confirms that the addressee has not taken over the mail despite having been notified twice.

14 Can judicial decisions be given electronically?

Yes, see the answer to Question 13.

15 Can an appeal be made and its decision served via the internet?

A party obliged to communicate by electronic means or who has previously opted for electronic communication must also lodge an appeal by electronic means, while any party who has used paper-based documents up to the submission of the appeal may transition to electronic administration even at the time when the appeal is lodged. The court's decision on the appeal is also served electronically to a party obliged to communicate by electronic means or who has opted for this means of communication, according to the rules described under Question 13.

16 Is it possible to initiate enforcement proceedings via the internet?

Yes, it is possible. If electronic administration is compulsory under the law, initiation of the proceedings in this manner is also naturally compulsory. A party who is not subject to such an obligation also has the right to initiate proceedings electronically; however, he or she first has to accept in writing the terms and conditions of use of the service system of the Hungarian Chamber of Judicial Officers.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

In certain proceedings, such as company proceedings, yes.

Last update: 15/01/2024

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.