How to bring a case to court

Hungria

1 Do I have to go to court or is there another alternative?

Claims for overdue payments may also be enforced by an order for payment, whereas certain claims specified by law may be enforced by an order for payment only. Such out of court proceedings are handled by civil law notaries. See the topic Order for payment procedures.

Alternative dispute resolution procedures are available in Hungary. See the topic Alternative dispute resolution.

2 Is there any time limit to bring a court action?

Whether there is a time-limit for bringing court action and the form of the time-limit varies according to the case. For example, in the case of property claims there is no time-limit for bringing action, nor is a limitation period applicable. By contrast, there is no time-limit for bringing an action for non-contractual damages but such action is subject to the general limitation period (5 years) that the court takes into consideration in the proceedings if invoked by the other party. For other claims, the time-limits for bringing court action are laid down by law.

It is therefore recommended to clarify the issue of time-limits with a lawyer, a legal advisor or the Citizens Advice Bureau.

3 Should I go to a court in this Member State?

The issue of jurisdiction, determining the Member State whose courts have competence in the various types of cases with a foreign dimension is specified by the law of the European Union, the relevant international conventions and Hungarian private international law rules.

Relevant EU legislation which is generally applicable in commercial and civil matters includes Regulation (EU) No 1215/2012 and the new Lugano Convention (published by Decision No 2009/430/EC), Regulation (EC) No 2201/2003 in matrimonial matters and matters of parental responsibility and Regulation (EC) No 4/2009 in matters relating to maintenance.

Where neither the legislation of the EU nor the bi- or multilateral conventions to which Hungary is party apply, jurisdiction is determined based on the provisions of Act XXVIII of 2017 on private international law.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See the topic Jurisdiction of the courts – Hungary.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See the topic Jurisdiction of the courts – Hungary.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Any person may proceed in court actions in person or by proxy, who

a) has full capacity under the rules of civil law,

b) is a partially incapacitated adult, but whose capacity under the rules of civil law is not limited regarding the subject-matter and procedural acts of the case, or

c) has authority under the rules of civil law to validly give instructions regarding the subjectmatter of the case.

A legal representative will proceed on the party's behalf in the case, if

a) the party lacks capacity in the case,

b) a legal representative has been appointed for the party without affecting his or her capacity, unless the party proceeds in person or by proxy, or

c) the party is not a natural person.

Representation by a legal representative is obligatory under Act CXXX of 2016 on the Code of Civil Procedure ('the CCP') in court proceedings. The CCP exempts district court cases at first instance and labour court proceedings under the competence of administrative and labour courts from the basic rule of obligatory legal representation; in such cases legal representation is not obligatory unless otherwise provided for by law.

The CCP also specifies who may act as a legal representative. The parties' legal representatives are typically lawyers and law firms. Where legal representation is obligatory, a person who has passed the bar examination may proceed in their own case without legal representation, unless otherwise provided by law.

In cases where it is not obligatory to involve a legal representative, the application initiating the proceedings may be submitted by an authorised representative (for example a lawyer) appointed by the party or his or her legal representative. The rules on who may be an authorised representative and who may not are laid down in the CCP.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The application has to be submitted directly to the court which has jurisdiction and competence to hear the case. The CCP allows a party proceeding without legal representation in a case before a district court or in labour court proceedings before an administrative and labour court to submit their application orally during designated office hours and have it registered on the appropriate form at the competent court of their place of residence, registered office or place of work, or at the court which has jurisdiction in the case.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

The language of court proceedings is Hungarian. Unless otherwise provided for by law, a binding legal act of the European Union or an international convention, submissions addressed to the court must be filed in Hungarian and submissions and decisions of the court are served in Hungarian. Every person is entitled to use his or her mother tongue in court proceedings, as well as his or her regional or minority language where this is provided for by international conventions.

By signing the European Charter for Regional or Minority Languages, Hungary became obliged to allow with regard to Croatian, German, Romanian, Serbian, Slovak, Slovenian, Romani and Boyash:

the party appearing before the court in person to use his or her regional or minority language without having to pay extra costs to do so,

documents and evidence to be submitted in a regional or minority language, with the help of interpreters and translators, if necessary.

The court assigns an interpreter, a sign language interpreter or translator, if doing so is necessary to uphold the party's right to use the language or is otherwise necessary under the provision of the CCP on language use.

The application must be submitted in writing to the court where the proceedings are to be brought. Where communication by electronic means is obligatory or is chosen, the application must be submitted electronically, in a manner defined by law. If communication is paper-based, the application must be submitted by post or in person (during office hours in the administration office or any time during working hours by placing it in the collection box set up at the entrance of the court), but a party proceeding without legal representation in a case before a district court or in labour court proceedings before an administrative and labour court may submit the application orally during the designated office hours and have it registered on the standard form at the competent court of their place of residence, registered office, place of work or at the court which has jurisdiction in the case.
Applications may not be submitted by fax.
For information regarding the possibility of electronic submission, see the topic Automatic processing.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

Action must be brought by means of an application, i.e. a written submission containing the claim. Requirements concerning the elements of an application and documents to be attached to the application are specified in detail in the CCP.
A party proceeding without legal representation in a case before a district court or in labour court proceedings before an administrative and labour court must submit his or her application on a form introduced for this purpose. The claim of the party proceeding without legal representation is greatly helped by this as the mandatory information to be included in the application appears on the form and the form refers to the annexes to be attached. The forms are published on the central website of the courts (http://birosag.hu/nyomtatvany-urlapok/keresetlevel-nyomtatvanyok).
The application and its annexes must be submitted in one more copy than the number of parties involved in the proceedings in the case of paper-based communications. If several parties have a joint representative (proxy), they will jointly receive a single copy.
For information regarding submitting applications electronically, see the topic Automatic processing.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

It is obligatory to pay court charges in civil proceedings. The amount of court charges payable in each of the proceedings is laid down in Act XCIII of 1990 on Duties. The party initiating proceedings must pay the charges when the application is submitted, unless the decision on the payment of charges is to be taken subsequently. In the latter case the charges are borne by the person obliged to do so by the court.
A court in which civil proceedings are brought will reject an application without issuing a request for further information if the applicant has not paid an amount in procedural fees which is proportional to the amount of the claim indicated in the application or a flat-rate fee specified by law and has not submitted an application for legal aid or cited any legal aid which is based on law.
The party may be granted legal aid in order to assist him or her in upholding his or her rights during the trial.
Unless otherwise provided for by law, a party is entitled to personal legal aid (‘*személyes költségmentesség*’) and a personal exemption from paying costs in advance (‘*személyes költségfeljegyzési jog*’) on request based on his/her income and financial situation, while a personal exemption from the payment of court charges (‘*személyes illetékmentesség*’) based on his/her person is granted *ex officio*. A party is granted case-specific legal aid (*‘tárgyi költségkedvezmény’*) by reason of the subject-matter of the case, while a reduction of charges (*‘mérsékelt illeték’*) is granted *ex officio* if specific acts occur during the case.
An exemption from court charges either exempts the person subject to court charges from the payment of such charges or is applied with regard to the subject-matter of the charges. In case of an exemption from court charges the party is exempt from the advance payment of the charges and, unless otherwise provided for by law, from the payment of any unpaid charges. An exemption from court charges does not exempt a party from paying charges that were not paid during enforcement proceedings. The Act on Duties specifies which legal entities may be granted a personal exemption from court charges. These include the Hungarian State, municipalities, budgetary agencies and churches.
If an exemption is granted due to the subject-matter of the case, both parties are exempted from paying the charges, irrespective of their income or financial situation. An exemption is granted due to the subject-matter of the case in, for example, appeals against decisions on legal aid, counterclaims filed in a divorce case and requests for corrigenda, adjustments or supplements to decisions.
Irrespective of their income or financial situation, the parties are granted an exemption from paying charges in advance due to the subject-matter of the case (*‘tárgyi illetékfeljegyzési jog’*) in, for example, proceedings relating to the protection of persons under civil law or claims brought for damages caused during the exercise of official authority. Any person granted such exemption from paying charges in advance due to the subject-matter of the case is exempted from paying charges in advance. In this case, the charges are paid at the end of the procedure by the party ordered by the court to do so.
A party is exempted from paying a part of the charges if he or she is granted a reduction of charges. A reduction of charges is a form of legal aid that fundamentally differs from the rest in that it is granted when certain acts occur during the proceedings, without the need for an application, and is not based on the personal circumstances of the party or the subject-matter of the case.
The benefit of not paying charges in advance is a part of both legal aid and an exemption from paying costs in advance. Legal aid may also be granted to specific persons or in view of the subject-matter of the case. The types of cases in which legal aid may be granted due to the subject-matter of the case and the criteria for granting personal legal aid are specified by law. An example of a case where an exemption from paying costs may be granted due to the subject-matter is guardianship proceedings.
An exemption from paying costs in advance may also be granted to persons or in view of the subject-matter of the case. The parties are granted a case-specific exemption from the payment of costs in advance in, for example, proceedings to establish parentage or proceedings regarding parental responsibility.
According to the Act on the activities of lawyers the appointment of a lawyer may be negotiated freely for the pursuit of the activities of a lawyer, unless otherwise provided for by the Act on the activities of lawyers or the Civil Code; therefore the parties may freely negotiate the lawyer’s fees within the bounds specified by the Act on the activities of lawyers. Legal aid includes the exemption from paying an advocate’s fees or paying them in advance. Representation by an advocate is authorised by the legal aid service.

11 Can I claim legal aid?

The party may be granted personal legal aid or case-specific legal aid in order to assist him or her in upholding his or her rights during the trial. A natural person is entitled to personal legal aid on request based on his or her income and financial situation and case-specific legal aid on an *ex officio* basis due to the subject-matter of the proceedings. If a party is granted legal aid, he or she is exempted from paying court charges in advance and from paying an advance for any costs arising during the proceedings and any unpaid charges, unless otherwise provided for by law, as well as from paying any costs advanced by the State and from paying a deposit for the costs of the proceedings.
The criteria related to income and financial standing which a party must meet in order to be granted personal legal aid are specified by law, and so are the cases where legal aid may be granted due to the subject-matter of the case.
Citizens of the European Union and non-EU citizens legally residing in the territory of a Member State may be granted personal legal aid and a personal exemption from the payment of costs in advance subject to the conditions applicable to Hungarian citizens, while other foreign nationals may be granted the above on the basis of international treaties.

Legal aid includes travel costs to a hearing for citizens of the European Union and nonEU citizens legally residing in the territory of a Member State if the party's presence at the hearing is obligatory by law.
If the law of a foreign State provides a higher level of benefit to a Hungarian party before a foreign court than a case-specific exemption from paying the costs in advance, these more advantageous rules must be applied in the course of the hearing to the foreign party involved in litigation before a Hungarian court.
Please also consult the topic Legal aid.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

As a general rule, an action is considered to have been officially brought when the application arrives at the court and is filed by the court office. If communication is by electronic means, as a general rule, the submission must be considered to have been filed when the IT system sends an acknowledgement of receipt.
The question of when an application is officially considered to have been brought is of particular importance in cases where there is a time-limit for bringing an action. Such timelimits differ in terms of both the duration they cover and the conditions based on which applications are considered submitted in time.
As regards procedural time-limits, the CCP states that the consequences of missing a time-limit do not apply if a submission to the court is sent as registered mail at the latest on the last day of the time-limit. If communication during the proceedings is by electronic means, the consequences of missing a deadline - set in terms of days, working days, months or years - do not apply if a submission to the court is sent electronically in accordance with the IT requirements at the latest on the last day of the time-limit. However, unless the law provides otherwise, this rule does not apply to the calculation of the statutory time-limit for submitting applications. Applications are considered submitted in time if they arrive at the court at the latest on the last day of the time-limit set for submitting applications.
Applications submitted after the deadline are rejected by the court. The court serves the order rejecting the application on the applicant and notifies the defendant of the measure taken. The order is subject to a special appeal by the applicant.
It is therefore recommended to consult a legal advisor, a lawyer or a Citizens Advice Bureau in order to clarify when an application is considered to have been officially brought in time.
If a party proceeding without legal representation in a case before a district court or in labour court proceedings before an administrative and labour court is able to submit their application orally during the designated office hours at the competent court of their place of residence, registered office or place of work, or at the court which has jurisdiction in the case, then the representative of the court provides the party with appropriate guidance and calls on him or her to correct any deficiencies without delay. Otherwise the court does not inform the parties of the mere fact that the proceedings have been started. Once it has received the application, the court examines whether it contains all the elements required by law.
If the application is suitable for initiating proceedings, the court serves the application on the defendant and at the same time calls upon him or her to submit his or her counterclaim within forty-five days of receipt of the application. The defendant enters an appearance by filing the counterclaim.
The court processes the initiation of proceedings following the submission of a written counterclaim against the application in a manner defined under the CCP, depending on the circumstances of the case, and then closes the initiation phase and sets a date for a hearing on the merits of the case.
For information regarding the possibility of electronic submission of an application and the relevant acknowledgement, see also the topic Automatic processing.

13 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

Following the submission of the application the court proceeds as described under Section 12. Depending on the circumstances of the case, the party may receive further information during further written submissions, if these have been ordered, or at the trial preparation hearing and the hearing on the merits of the case, based on the individual characteristics of the proceedings.

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