Small claims

Maďarsko

1 Existence of a specific small claims procedure

Other than the procedure specified in Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure (and Sections 598 to 602 of Act CXXX of 2016 on the Code of Civil Procedure, which deal with any issues not settled by this Regulation), the Hungarian law in force has not had a special procedure applicable to small claims since 1 January 2018. Small claims had been governed by Act III of 1952 on the Code of Civil Procedure; however, this Act was repealed by Act CXXX of 2016 on the Code of Civil Procedure, with effect from 1 January 2018. This means that there have been no specific rules applicable to small claims in the Hungarian civil procedure since 1 January 2018. Consequently, the general rules apply to the enforcement of small claims. However, proceedings initiated before 1 January 2018 are dealt with in accordance with the previous Act III of 1952 on the Code of Civil Procedure. The following information is therefore only relevant for cases still pending that were initiated before 1 January 2018.

1.1 Scope of procedure, threshold

The small claims procedure is available in proceedings for the recovery of claims not exceeding HUF 1 million, which have become contentious following an opposition to an order for payment, or which follow an order for payment procedure, i.e. when

a) an application for the issue of a payment order is rejected by the notary public *ex officio* and subsequently the claimant brings an action before the court in order to enforce the claim;

b) the order for payment procedure is terminated by the notary public by decree and subsequently the claimant brings an action before the court in order to enforce the claim.

1.2 Application of procedure

The procedure is applied by district courts.

1.3 Forms

No form is provided for the submission of applications instituting the proceedings, but for order for payment procedures preceding such applications – falling within the competence of civil law notaries – a form is available on the website of the Hungarian Chamber of Civil Law Notaries and in notaries' offices.

1.4 Assistance

Assistance is available. To facilitate the enforcement of their rights, natural persons whose income and financial standing do not allow them to bear the cost of the proceedings will, upon their request, be fully or partially exempted from the payment of these costs. Pursuant to the Act on Duties, the parties may also be entitled to concessions with respect to court charges (exemption from the charges or the right to defer them), and persons in need are also entitled to employ a legal assistant or an advocate under the provisions of the Act on Legal Aid if required to effectively enforce their rights.

1.5 Rules concerning the taking of evidence

In procedures which have become contentious following an opposition to an order for payment, the court notifies the defendant of the facts and evidence presented by the claimant no later than in the writ of summons for the hearing. The party may submit evidence on the first day of the hearing at the latest. As an exemption to this rule, the party may provide evidence any time during the proceedings if the opposing party consents or if the party invokes facts or evidence, final court decisions or other administrative rulings in its presentation of evidence that, for reasons not attributable to the party, have become known to him or her after the standard deadline set for the provision of evidence, or of which he or she was informed after such deadline for reasons not attributable to him or her, and if the party provides sufficient proof to support that claim.

If changes are made to the application or a counterclaim is submitted, the party may provide relevant evidence when the changes are made (the counterclaim is submitted), whereas in the case of oppositions to claims of set-off, evidence relating to the offset claim may be provided simultaneously with the submission of the statement of opposition. The court must ignore any evidence put forward contrary to these provisions. The general rules of evidence apply in all other respects.

1.6 Written procedure

The court also conducts a hearing.

1.7 Content of judgment

The content of judgments is governed by the generally applicable rules, with the proviso that the parties must be provided with information after the operative part of the judgment about the elements that must be included in the appeal and the legal consequences of omitting those elements.

1.8 Reimbursement of costs

As a general rule, the 'loser pays' principle applies.

1.9 Possibility to appeal

The possibility of an appeal is limited in a number of respects, and it is therefore of the utmost importance that only a reference to an infringement of the rules of the first instance procedure or a wrongful application of the law serving as a basis for the assessment of the merits of the case may be invoked. The general rules apply to filing appeals and to the time limit set for appeals, i.e. they must be lodged at the court bringing a resolution at first instance within 15 days of service of the judgment and they will be judged by the competent regional court.

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.