

Submissions may be filed by electronic means in civil lawsuits

From January, communication by electronic means with courts in civil proceedings has become possible; the introduction of the option to file submissions by electronic means in the course of civil proceedings is clearly one of the most significant innovations of the reorganisation the Hungarian judicial system – reveals to [origo] the expert of Kovács Réti Szegheő Attorneys at Law.

Dr. Arvid Hauck elaborated that as of 1 January, 2013, the names of municipal courts have changed to local court. Local courts have been named after the seat of earlier municipal courts (e.g.: Local Court of Tatabánya). The names of the local courts of Budapest such as those of the Pest Central District Court, however, have not altered, nor their number, seat and territorial competence.

From the first day of the year, uniform-structured administrative and labour courts have been established in Budapest and mostly in the proximity of the courts of justice. The competence of administrative and labour courts encompasses the administrative lawsuits and any lawsuits originating from employment and employment-type relationships. The new administrative and labour courts shall operate at their predecessor labour courts – emphasised the expert from Kovács Réti Szegheő Attorneys at Law.

All files by electronic means

In cases subject to the first instance competence of the courts of justice, as a general rule, parties may opt to file their submissions by electronic means. In such cases, in the course of proceedings at the first instance, they have to communicate with the court by electronic means and the court, too, shall serve all case documents by electronic means.

According to Dr. Arvid Hauck, it is important to note that in certain cases the change in the law does not allow communication by electronic means so for instance, there is no such option at civil lawsuits following the issuing of payment demand. Provisions on communication by electronic means, as a general rule, shall be applicable in civil lawsuits following the 1st day of January, 2013.

Pursuant to the change in the law, as of 30 June, 2014, the scope of application of the rules on communication by electronic means shall broaden so the parties or companies acting with legal representatives may not, as a general rule, file their submissions in the course of the lawsuit using hard copy, the expert concluded.

Acting without legal representative

As regards further regulations, according to the information of [origo], parties acting without legal representatives may request reverting to hard-copy-based communication in that case however, they need to prove to a reasonable probability the evolving of adverse changes in their circumstances that render communication by electronic means disproportionately difficult.



Information technology background

The information system for communication by electronic means is ensured by the National Judicial Office (394/G of Act on civil proceedings). The forms for the use of the serving system will be available at the Judicial Portal. The client may file with the court – completed – forms downloaded therefrom via his/her client portal. Detailed information is available at www.birosag.hu website under Menu “Client information”.

Filing submissions, serving official documents

A party shall first receive a confirmation of receipt of their electronic submissions, then a registration of receipt from the court with information on the method of stamp duties payment (394/H of Act on Civil Procedure). A party shall be given notice of delivery of all official documents immediately then three days later. A party may receive documents by opening the link. Simultaneously, an electronic return receipt is generated which both the party and the sender receive.

If the party fails to accept the document within five working days following its placement to the storage site, the document is deemed served on the following working day.

Criminal cases and failure of operation

Pursuant to Section 69/A and 69/B of the Act on Criminal Procedure, communication by electronic means is restricted to the courts, attorney general’s office, the investigating authority and the Hungarian detention institutions. In addition, a court may provide electronic administrative services e.g. issuing copies of documents.

It is an important rule for all procedures that such days, when there is a failure of operation of the system for at least four hours, shall be disregarded at the calculation of deadlines.