

HOW TO ENFORCE A JUDGMENT IN HUNGARY

(A) What is the applicable law?

- (a) Domestic judgments: Act LIII of 1994 (“Enforcement Act”) and regarding Enforcement Suit Procedures and as a base act: Act CXXX of 2016 (“Civil Procedure Act”).
- (b) Foreign judgments: Regulation (EU) 1215/2012 (Recast Brussels I Regulation); Act XXVIII of 2017 on Private International Law.

(B) What international conventions and agreements is your jurisdiction a party to?

- Brussels Jurisdiction Convention 1968
- Lugano Convention (EFTA)
- Other bilateral treaties

(C) What types of judgments in commercial matters are enforceable?

Basically, all judgments with the 3 conjunctive conditions:

- (a) the resolution to be enforced sets forth an obligation (condemnation) and
- (b) It is final and non-appealable, or where the resolution is preliminarily enforceable
- (c) 3.) the deadline for fulfilment has elapsed.

General outlines:

(D) Are the lawyers and procurator needed?

In principle a lawyer is not needed. A bailiff suffices.

(E) Is a security for costs needed?

No security for costs is needed, but the bailiff asks his starting fee in advance and only acts when it is credited on the bailiff account (except for the swift payment order on bank accounts, now they are doing it first and fast).

(F) Which court is the competent court?

The court that heard the matter in the first instance, but it differs in EU Matters: the first instance court having its seat in the city of the second instance court in which city the debtor resides (in Budapest, the Central District Court of Buda).

(G) Can the debtor oppose to the enforcement?

The person or entity requesting enforcement or any other interested party whose right or legitimate interest is violated by an action or omission by the bailiff may submit an enforcement demurrer, to be submitted to the bailiff. The bailiff must forward the same to the court implementing enforcement.

Moreover, there are the so-called Enforcement Civil Suit Procedures (1. Proceeding for the

termination and limitation of enforcement; 2. Enforcement Claim [when something is occupied and this thing is a property of a third person and not of the debtor], 3. Lawsuit for reservation tolerance).

Measures to secure the effectiveness of enforcement:

(H) Is it possible to obtain an automatic freezing order of bank accounts?

Yes, attachment order, transfer order.

(I) How do you secure the effectiveness of an immovable property?

By registering it in the Land Registry.

(J) Is there a Bailiff in your jurisdiction?

There are court bailiffs.

(K) Is the judgement creditor entitled to interest? If so, on what basis is it calculated?

Based on what the judgement says that is enforced. It depends.

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