

HOW TO FILE A CLAIM OF LIABILITY OF A DIRECTOR IN A LIMITED LIABILITY COMPANY IN HUNGARY

(A) What is the applicable law in domestic claims?

Civil Procedure Act (Act CXXX of 2016).

(B) What is the applicable law in international claims?

- (a) REGULATION (EC) No. 1393/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (of 13.11.2007) on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents).
- (b) The Hague Convention (of 15.11.1965) on the service abroad of judicial and extrajudicial documents in civil or commercial matters.
- (c) Act XXVIII of 2017 on International Private Law.
- (d) Bilateral treaties.

(C) How can the defendant be summoned?

1. The general method of summons is to deliver the summoning order in writing in accordance with the official postal delivery rules (or regarding companies, to the electronic "Company Gate" service).

2. However, it is also possible, as the judicial case-law applies, for the court to summon the party present at the hearing orally to the next hearing, to set a new date for the hearing immediately and for the judge to record this form in the minutes.

3. The Civil Procedure Act also allows the short-term summons, but only in cases of "urgency" and subject to other conditions, in which case (by courier, telephone, fax, e-mail) the addressee will be invited to appear.

(D) Regarding individuals

- 1. Post to the domicile address
- 2. Personal electronic service ("Personal Gate")
- 3. Personally
- 4. Through delivery Agent if the person has no domicile address in Hungary
- 5. By Bailiff or Notary Public in different procedures

(E) Regarding a company

- 1. Post to the seat
- 2. Electronic Service ("Company Gate")
- 3. Through Delivery Agent if the person has no seat in Hungary
- 4. By Bailiff or Notary Public in different procedures

(F) What happens if the defendant is not found?

Judicial documents shall be considered served on the day of attempted delivery if the addressee refused to accept it. If service failed because the addressee did not accept the document – it was returned to the court marked “nem kereste” (*unclaimed*) if delivered by the postal service provider –, the document shall be considered served on the 5th working day following the day of the second attempted delivery.

(G) Is it possible to notify by edicts?

Yes. The decision of the summons is attached to the bulletin board at the Court Office and the Mayor’s Office where the party had his last known domicile address and on the website of the Court for 15 days, and if known it must be sent to the email address of the party.

(H) Is it always valid?

Yes, if the specific procedural rules are kept.

Practical issues:

(I) Should the claim be translated or not?

Yes.

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