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Hungary: A new era in electronic litigation has begun

As of 1 July 2016, an amendment to Act III of 1952 on the Code of Civil Procedure ("Act") came into force introducing the possibility – sometimes the obligation – to communicate with the courts electronically.

It was high time that technical innovations in litigation matters be introduced, since all communication was previously paper-based. In other words, all legal documents worked on had to be printed out (with as many copies required for the number of parties to the procedure, plus one extra as a reserve). Additionally, each copy had to be signed before sending them via post to the relevant court. This was naturally time consuming, expensive, and resulted in extra (unnecessary) paperwork.

The amendment to the Act marks the end to this outdated system and marks the beginning of 21st century administration and communication in litigation matters. Part 7 of the Act stipulates the rules for using electronic communication in civil actions.

How are these reforms expected to change court procedures?

- Instead of outdated paper-based communications, court submissions can now be sent electronically through two electronic methods developed for this purpose. The first is through an application developed whereby a specific form is completed electronically (eg a statement of claim, a statement of defence etc.), and annexes are attached if there are in fact any. The documents are then verified with an electronic signature. Within the same application, the document is then marked as being ready to file.
- In order to file this verified and electronically signed document at the competent court, a separate account is needed – an online platform – dedicated to sending and receiving files in court actions. Having logged into the attorney-at-law's account the specific document can be sent to the competent court. After sending the document, an automated message will be received indicating whether the document has been successfully submitted or not. Additionally, this online platform is also dedicated to receiving the other party's submissions or the court's resolutions linked to the specific matter.
- With the new electronic channels, the rules of delivery and the presumption of service have also changed. The document is presumed to be delivered five days after the delivery to the attorney-at-law's dedicated online platform, no matter whether you have downloaded the delivered document from the platform or not. Additionally, 30 days after the document's delivery, the platform automatically deletes them. So, should you happen to be away or are not in a position to check the platform for more than 30 days, all documents you had received during this period will have been deleted without having had the chance to read them, and importantly, such deleted documents will be presumed to have been delivered. In order to prevent this from happening, the online platform allows you to give access to other colleagues to download documents on your behalf. The worst case scenario would be that you would still have the ability to visit the court personally to examine the court file.

Now that the 'how' part is cleared up, who, when and in which court cases can one communicate electronically? For any other case not listed below, electronic

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communication is optional, meaning that the party is free to choose between electronic or paper-based communication.

- **Who?** Any party being a business organisation, or being represented by an attorney-at-law is required to communicate through electronic means.
- **When?** From 1 July 2016 onwards. Thus, electronic communication in ongoing litigation matters is not a must but is optional.
- **Which court cases?** Cases covering the broader scope of civil actions including litigation matters for damages claims, matrimonial proceedings, administrative actions, and actions for overturning a notary's resolution in actions *in rem*, etc. Note that only those cases initiated after 1 July 2016 are subject to mandatory electronic communication.

The introduction of electronic communication and filing may initially sound complicated, but it is expected to make court procedures cheaper, quicker and far easier going forward. A positive introduction indeed!