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Case study 5 - commercial law - responsibility - Hungary

Costs in Hungary

Costs of alternative dispute resolution (ADR)

Case study Alternative dispute resolution (ADR)

	Is such an option available for this type of case?	Costs
Case A	Yes	As agreed by the parties and the mediator. Anyone involved in new or on-going proceedings may request mediation at the court, which is free of charge.
Case B	Yes	As agreed by the parties and the mediator. Anyone involved in new or on-going proceedings may request mediation at the court, which is free of charge.

Attorney, bailiff and expert fees

Case study	Attorney Is legal representation compulsory?	Average costs	Bailiff Is legal representation compulsory?	Expert Must it be made use of?	Costs
Case A	No	As agreed by the client and the attorney.	No	No The court shall appoint an expert at the request of the party providing evidence, except where it may initiate the taking of evidence <i>ex officio</i> . Either of the parties may also submit the opinions of private experts.	The expert generally determines his/her own fee. If the court orders the taking of evidence <i>ex officio</i> , the fee is established pursuant to the relevant legislation in force.
Case B	No	As agreed by the client and the attorney.	No	No The court may appoint an expert at the request of the party providing evidence, except where it may initiate the taking of evidence <i>ex officio</i> . Either of the parties may also submit the opinions of private experts.	The expert generally determines his/her own fee. If the court orders the taking of evidence <i>ex officio</i> , the fee is established pursuant to the relevant legislation in force.

Witness compensation

Case study	Witness compensation Are witnesses eligible for compensation?	Costs

Case A	Yes	Witness compensation is regulated by law. Witnesses are entitled to reimbursement of their travel, accommodation and subsistence costs, and compensation for their period of absence from work.
Case B	Yes	Witness compensation is regulated by law. Witnesses are entitled to reimbursement of their travel, accommodation and subsistence costs, and compensation for their period of absence from work.

Costs for legal aid and the reimbursement of expenses

Case study	Legal aid	Reimbursement of expenses				
When and under what conditions is it applicable?	When is full legal aid available?	Can the successful party obtain reimbursement of litigation costs?	If reimbursement is not comprehensive, what is the usual percentage of costs covered?	What costs may not be reimbursed?	Are there instances when legal aid must be reimbursed?	
Case A	See the section on legal aid.	In cases where, based on information available at the time, the estimated legal costs are likely to render access to the court impossible for the applicant. For more information, see the section on legal aid.	Yes. The losing party must be ordered to reimburse the costs of the successful party, except where otherwise provided for by law, including where the law obliges another party to bear the costs irrespective of the court's decision.	In the event of partial success in a lawsuit, the amount to be reimbursed shall be commensurate with the successful part of the claim and the advance payments made by each party. The court may also order each party to bear its own costs.	In justified cases, the court may reduce attorneys' fees it deems unreasonably high. The parties may not be ordered to bear costs incurred due to (otherwise preventable) reasons attributable to the court. Reimbursement of legal costs to parties may not exceed the amount claimed by them.	Yes, if it is found that the party benefiting from legal aid was not eligible to receive it. The losing party must reimburse the appointed public attorney's fee, which was paid in advance by the State, directly to the State. The losing party must pay the administrator's fee, even if it is eligible for legal aid.

Case study	Legal aid	Reimbursement of expenses
	<p>When and under what conditions is it applicable?</p> <p>When is full legal aid available?</p> <p>In cases where, based on information available at the time, the estimated legal costs are likely to render access to the court impossible for the applicant. For more information, see the section on legal aid.</p> <p>Foreign nationals bringing legal action may only benefit from legal aid pursuant to international agreements concluded by the Hungarian State or as a matter of reciprocity.</p> <p>Citizens of EU Member States and citizens of non-EU States who reside legally in an EU Member State are eligible to receive legal aid under the same conditions as Hungarian citizens.</p> <p>See the section on legal aid.</p>	<p>Can the successful party obtain reimbursement of litigation costs?</p> <p>Yes. The losing party must be ordered to reimburse the costs of the successful party, except where otherwise provided for by law, including where the law obliges another party to bear the costs irrespective of the court's decision.</p>
		<p>If reimbursement is not comprehensive, what is the usual percentage of costs covered?</p> <p>In the event of partial success in a lawsuit, the amount to be reimbursed shall be commensurate with the successful part of the claim and the advance payments made by each party. The court may also bear its own costs.</p>
		<p>What costs may not be reimbursed?</p> <p>In justified cases, the court may reduce attorneys' fees it deems unreasonably high. The parties may not be ordered to bear costs incurred due to (otherwise preventable) reasons attributable to the court. Reimbursement of legal costs to parties may not exceed the amount claimed by them.</p>
		<p>Are there instances when legal aid must be reimbursed?</p> <p>Yes, if it is found that the party benefiting from legal aid was not eligible to receive it. The losing party must reimburse the appointed public attorney's fee, which was paid in advance by the State, directly to the State. The losing party must pay the administrator's fee, even if it is eligible for legal aid.</p>

Costs for translation and interpretation

Case study	Translation	Interpretation
	<p>When and under what conditions is it required?</p> <p>Approximate cost</p>	<p>When and under what conditions is it required?</p> <p>Approximate cost</p>

Case A	If a party does not speak or understand Hungarian.	The translator determines his/her fee. The fee is calculated based on the character count (approx. HUF 5 per character), the deadline and the source language. Translation costs incurred in connection with evidence provided and submissions made by parties entitled to use their native, regional or minority language during civil proceedings are paid in advance on their behalf by the State. These costs are subsequently governed by the provisions on the recovery of legal costs.	If a party does not speak or understand Hungarian.	The interpreter determines his/her fee. The hourly fee depends on the language used. Approximately HUF 10 000 to 12 000 per hour.
Case B	If a party does not speak or understand Hungarian.	The translator determines his/her fee. The fee is calculated based on the character count (approx. HUF 5 per character), the deadline and the source language. Translation costs incurred in connection with evidence provided and submissions made by parties entitled to use their native, regional or minority language during civil proceedings are paid in advance on their behalf by the State. These costs are subsequently governed by the provisions on the recovery of legal costs.	If a party does not speak or understand Hungarian.	The interpreter determines his/her fee. The hourly fee depends on the language used. Approximately HUF 10 000 to 12 000 per hour.

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