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# Costs

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Hungary

Hungary

This page offers you information about the costs of justice in Hungary.

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## Regulatory framework governing the fees of legal professions

### 1. Bailiffs

The amount of the bailiff's fee depends on the purpose of the enforcement order issued (whether it is to collect a debt or enforce a specific action). If the enforcement involves the collection of a debt, the bailiff's fee is proportional to the amount of the debt to be collected. Thus the larger the claim involved in the enforcement, the higher the fee paid to the bailiff. If the duty involves the enforcement of a specific action, the fee depends on how long this takes.

### 2. Attorneys

The Hungarian word for a person practising law, 'ügyvéd', covers attorneys, advocates, solicitors, lawyers and barristers. As a general rule, an attorney's fee is set by agreement between the client and the attorney. If no fee is agreed between the client and the attorney for undertaking the case or if the client so requests, the amount of the fee for representation is decided by the court in accordance with the law. If the case is won, the fee due to the attorney under the agreement between the client and the attorney cannot necessarily be claimed in full against the losing party. The court hearing the case may reduce the remuneration of the legal representative within a claim for legal costs which it considers excessive. In this case, the court determines the attorney's fee on the basis of the statutory provisions. The amount of the attorney's fee set by the court is adjusted to the value of the claim. The parties may ask the court to apply the statutory fee if they do not want the agreement to become public.

#### Statutory costs

Statutory costs (fees) in civil proceedings

Statutory costs of litigants in civil proceedings

Unless the law provides otherwise, the basis for any fee (illeték) in civil proceedings is the value of the claim at the time the proceedings are brought and, in appeal proceedings, the value of the claim or part of the claim in dispute.

If the value of the claim cannot be established, the basis for calculating the fee in proceedings before a district court (járásbíróság) is HUF 350 000 in contentious proceedings and HUF 200 000 in non-contentious proceedings. In first-instance proceedings before a regional court (törvényszék), the basis is HUF 600 000 in contentious proceedings and HUF 350 000 in non-contentious proceedings. In appeal proceedings, the basis is HUF 300 000 in contentious proceedings and HUF 170 000 in non-contentious proceedings. In appeal proceedings before the court of appeal (ítélőtábla), the basis is HUF 600 000 in contentious proceedings and HUF 300 000 in non-contentious proceedings. Before the Curia of Hungary (Kúria), the basis is HUF 500 000 in appeal proceedings and HUF 700 000 in review proceedings.

In first-instance proceedings, the amount of the fee in contentious proceedings is 6% of the basis for the fee defined above, but at least HUF 15 000 and no more than HUF 1 500 000. In non-contentious first-instance proceedings, the amount of the fee is 3% of the basis for the fee, but at least HUF 5 000 and no more than HUF 250 000. In certain non-contentious proceedings specified by law, the amount of the fee is different, e.g. in the case of opposition to a court injunction it is 3%, but at least HUF 5 000 and no more than HUF 750 000.

In addition to the above, the law provides for fees in specific cases:

- Divorce proceedings (házassági bontóper): HUF 30 000;
- Labour court proceedings (munkaügyi per) (if the value of the claim cannot be established): HUF 10 000;
- Proceedings for judicial review of an administrative decision (közigazgatási határozat bírósági felülvizsgálata iránti eljárás), with the exception of proceedings related to competition law and taxation, public procurement, and electronic communications: HUF 30 000;
- Non-contentious administrative proceedings (közigazgatási nemperes eljárás): HUF 10 000;
- General authorisation (általános meghatalmazás): HUF 18 000;
- Insolvency proceedings (fizetésektelenségi eljárás): liquidation (felszámolás): HUF 80 000; bankruptcy proceedings (csődeljárás): HUF 50 000;
- For entities without legal personality: liquidation (felszámolás): HUF 30 000; bankruptcy proceedings (csődeljárás): HUF 30 000;
- Proceedings for annulment of an arbitration award (választottbírósági ítélet) or settlement (választottbírósági egyezség): the fee is determined based on the value of the proceedings indicated in the arbitration decision or based on a notional value;
- Appeal: 8%, but at least HUF 15 000 and no more than HUF 2 500 000;
- Retrial (perújítás): the fees must be paid again;
- Motion for review (felülvizsgálati kérelem): 10% for judgments, but at least HUF 50 000 and no more than HUF 3 500 000; half of the fee applicable to judgments in the case of orders, but at least HUF 20 000 and no more than HUF 1 250 000.

For submitting an application for the issuing of an order for payment (fizetési meghagyás) to the Hungarian Chamber of Civil Notaries (Magyar Országos Közjegyzői Kamara), the statutory fee must be paid to cover the operating costs of the Chamber's system, and the fees and expenses of notaries ('the procedural fee'). The procedural fee is based on the value of the monetary claim at the time the procedure is brought, calculated exclusive of ancillary costs ('the fee basis'); the interest due on and enforced together with a monetary claim is not to be included in the fee basis even if, at the same time as the initial claim for interest, the claimant also enforces an additional claim for interest on the interest claimed. Interest and other ancillary costs enforced separately are included in the fee basis.

Amount of the procedural fee based on the fee basis: a) 3%, but at least HUF 5 000 and no more than HUF 300 000, in the main procedure, unless otherwise stated below; b) 1%, but at least HUF 5 000 and no more than HUF 15 000, in a procedure initiated for deferment of payment or payment by instalments; c) 1%, but at least HUF 5 000 and no more than HUF 15 000, in a procedure initiated for deferment of payment or payment by instalments of a fine imposed.

Stage of civil proceedings where statutory costs must be paid

In civil proceedings, the obligation to pay court fees arises when the action is brought. The procedural fees must therefore be paid at the time of bringing the action. If the party does not pay the court fees, or pays less than is required by law, the court must ask the party to pay the remaining court fees when the application is lodged. The court must also inform the party that the application will be rejected if the court fees are not paid in full.

The attorney's fee is paid based on the agreement between the client and the attorney. Part of the bailiff's fee must be paid in advance at the beginning of the enforcement proceedings.

Statutory costs (fees) in criminal proceedings

Statutory costs of the parties in criminal proceedings

In the case of proceedings based solely on private prosecution (magánvádas eljárás):

- Fee for bringing a complaint: HUF 10 000.
- Fee for lodging an appeal: HUF 10 000.
- Fee for a motion for review or retrial: HUF 15 000.

If a civil claim is brought within criminal proceedings, the only fees payable are for filing the application and the appeal. These fees are to be paid in addition to those for criminal proceedings, in accordance with the rules on fees applicable to civil proceedings.

Stage of criminal proceedings where statutory costs must be paid

These must be paid on the initiating document at the start of the proceedings.

Statutory costs in constitutional proceedings

Under Section 54(1) of Act CLI of 2011 on the Constitutional Court (Alkotmánybíróságról szóló 2011. évi CLI. törvény), proceedings before the Constitutional Court (Alkotmánybíróság) are free of charge, and any costs incurred in the course of such proceedings are borne by the petitioner.

However, an applicant who does not act in good faith when submitting a petition may have to pay costs and/or may be subject to a procedural fine of between HUF 20 000 and HUF 500 000.

Prior information to be provided by legal representatives

Rights and obligations of the parties

When practising their profession, attorneys help their clients to assert their rights and fulfil their obligations by the means and in the manner provided for by law. Legal advisers (jogtanácsos) also help assert the rights of the organisations they represent.

This obligation includes providing the necessary information about rights and obligations, the chances of success and the foreseeable costs of proceedings.

Cost sources

Where can I find information on cost sources in Hungary?

Information on cost sources is available on the website of the European Judicial Network:

- [EJN Civil Justice - Legal aid](#)
- [EJN Civil Justice - Bringing a case to court](#)

The website of the [Budapest Bar Association](#) (Budapesti Ügyvédi Kamara) also provides information on attorneys' fees.

In what languages can I obtain information on cost sources in Hungary?

Information on cost sources is available on the website of the European Judicial Network. Here you can find the relevant information in every official language of the European Union.

The website of the Budapest Bar Association provides information on costs in Hungarian only.

## Where can I find information on mediation?

Information on mediation may be found on the following websites:

- [EJN Civil Justice - mediation](#)
- [Hungarian Register of Mediators \(Közvetítők magyarországi adatbázisa\)](#)
- [Office for Public Administration and Justice \(Közigazgatási és Igazságügyi Hivatal\)](#)

## Where can I find additional information on costs?

Website with information on costs

You can find additional information on costs on the website of the [Budapest Bar Association](#).

Where can I find information on the average length of time that different proceedings take?

Information on the length of proceedings can be found on the website of the [Courts of Hungary](#).

Other links:

Information on statistical tables is available in Hungarian only.

## Value Added Tax

How is this information provided?

The costs indicated above for attorneys are net costs to which VAT must be added.

What are the applicable rates?

The general VAT rate in Hungary was 20% of the tax base until 1 July 2009, when it was increased to 25% and then to 27%.

## Legal aid

Applicable income threshold in civil proceedings

There are two minimum thresholds:

1. To facilitate the enforcement of their rights, natural person litigants (including intervenors) whose income and financial standing do not allow them to bear the cost of the proceedings will, upon request, be fully or partially exempted from the payment of these costs. Legal aid covers the following benefits: exemption from fees; exemption from advance payment and, unless otherwise provided for by law, payment of costs incurred in the course of the proceedings (witness and expert fees, fees of the guardian *ad litem* (ügygondnok) and the interpreter, fee of the legal aid lawyer (pártfogó ügyvéd), and costs of on-site hearings and visits, etc.); exemption from providing security for legal costs; an application for authorisation to be represented by a legal aid lawyer if permitted by law. If the party's income (salary, pension, other regular cash benefits) does not exceed the minimum amount of the retirement pension (HUF 28 500) established on the basis of employment and the person has no assets other than the usual necessities of life and furnishings, that person must be granted legal aid. Legal aid must also be granted, without an examination of the person's income and financial standing, to a party who is entitled to working-age benefits or lives in the same household as a close relative within the meaning of the Social Administration and Social Benefits Act (szociális igazgatásról és szociális ellátásokról szóló törvény) who is entitled to working-age benefits. Exceptionally, legal aid may be granted even if the above conditions are not met but the court finds, taking into account other circumstances of the party, that the party's subsistence is at risk. (Section 6(1) of Decree No 6/1986 of 26 June 1986 of the Interior Minister on the application of legal aid in court proceedings (A bírósági eljárásban a költségmentesség alkalmazásáról szóló 6/1986. (VI. 26.) IM rendelet))
2. In the context of out-of-court legal assistance by the State, the legal aid assistant (jogi segítő) provides the party with legal advice or prepares submissions or other documents and, on the basis of an

authorisation to this end, has access to the documents of the case. The statutory fees and costs for this are paid or advanced by the State to the legal aid assistant on behalf of the party. In the course of legal proceedings, in terms of legal assistance, the State provides a legal aid lawyer to represent the plaintiff, the defendant, the intervenor (joined party), the applicant and the respondent, and advances or pays the costs of this on behalf of the party in the civil contentious and non-contentious proceedings (collectively 'proceedings') provided for by law. The fee for the legal service is advanced by the State on behalf of the party if the party's net disposable monthly income does not exceed 43% of the average gross monthly earnings of the national economy, as published by the Hungarian Central Statistical Office (Központi Statisztikai Hivatal) in the second year preceding the reference year (about HUF 231 000 in 2013), i.e. HUF 99 330, and the party has no assets. (Sections 11 and 6 of Act LXXX of 2003 on legal aid (A jogi segítségnyújtásról szóló 2003. évi LXXX. törvény))

Legal assistance payments can be made in advance.

Applicable income threshold in criminal proceedings for defendants

In criminal proceedings, a suspect or accused person may receive free legal representation on the basis of the income thresholds applied in civil proceedings.

Applicable income threshold in criminal proceedings for victims

If the applicant for aid has been found in separate proceedings to be a victim of crime and is entitled to receive victim support services, the fee for the legal service is borne by the State on behalf of the party provided the person's net disposable monthly income does not exceed 86% of the average gross monthly earnings of the national economy, as published by the Hungarian Central Statistical Office, in the second year preceding the reference year (about HUF 231 000 in 2013), i.e. HUF 198 660. (Section 9/A of Act LXXX of 2003 on legal aid)

Legal assistance for victims includes legal representation.

Other conditions for granting legal aid to victims

Besides the set income thresholds, the victim must fulfil two other conditions:

- the victim must make a report/complaint;
- the victim must obtain a certificate from the authority responsible for assisting victims. The certificate must state that certain conditions have been met (that the victim contacted the relevant authority within the time limit prescribed by law).

Other conditions for granting legal aid to defendants

There are no other conditions for granting legal aid to defendants.

Cost-free court proceedings

No fees or reduced fees are charged in the following civil cases:

- the fee is 10% of the fee for the legal proceedings if the court rejects the document initiating proceedings *ex officio* without issuing a summons;
- appeals against a decision on legal aid or on the deferred payment of costs (illetékfeljegyzési jog), i.e. where the State advances the costs on behalf of the party;
- counterclaims concerning the marriage in divorce proceedings;
- proceedings related to the declaration of death and the establishment of the fact of death if the disappearance or death occurred as a result of an act of warfare or a natural disaster;
- proceedings for the registration of foundations, public foundations, civil society organisations, public bodies, a European Grouping of Territorial Cooperation and Employee Share Ownership Plan organisations, as well as proceedings for approving participation in a European Grouping of Territorial Cooperation;
- applications to strike off a dissolved company, including strike-off applications in a simplified winding-up procedure (egyszerűsített végelszámolás) together with the notification of the administrator;
- applications to correct or supplement a decision;

- electoral roll proceedings;
- proceedings to notify changes following entry in the register of legal advisers;
- appeals against an order of transfer to another court;
- judicial review of the administrative decision in compensation cases;
- municipal debt settlement proceedings;
- proceedings brought by an independent bailiff in connection with judicial enforcement proceedings conducted by the bailiff and proceedings for a declaration of domestic enforceability under Regulation (EU) No 1215/2012, Council Regulation (EC) No 2201/2003 and Council Regulation (EC) No 4/2009;
- proceedings brought on the basis of a successful constitutional complaint;
- actions concerning the protection of personal data or the disclosure of data of public interest;
- judicial review of administrative decisions on granting legal aid;
- non-contentious proceedings for the judicial review of an interim restraining order and for issuing a restraining order for violence between relatives specified in a separate law;
- judicial review of administrative decisions on victim support.

No fees are charged in the following criminal cases:

- appeals, requests for retrial and requests for review by the accused person and the defence counsel in proceedings based solely on private prosecution;
- proceedings based solely on private prosecution if the proceedings are terminated by the court before the start of the personal hearing or if the proceedings are terminated as a result of clemency;
- pleas for clemency and requests for judicial exoneration if submitted by the convicted person or the defence counsel;
- proceedings for granting personal legal aid;
- providing copies of documents to the accused person, the defence counsel and the legal representative of accused minors on one occasion.

Fee exemption may be granted due to personal circumstances (személyes illetékmentesség) as well as the subject matter of the proceedings (tárgyi illetékmentesség).

Personal exemption is granted, *inter alia*, to associations, public bodies, churches, associations of churches, ecclesiastical institutions, foundations, public foundations, non-profit companies with public benefit or priority public benefit status, the North Atlantic Treaty Organization, and the European Communities and their institutions, bodies, agencies and separate funds.

When does the losing party have to pay the winning party's costs?

The losing party must pay the winning party's costs if required to do so within a period of 30 days by the court in its final decision. The losing party must pay the costs directly to the winning party. If the costs are not paid, enforcement proceedings may be brought against the losing party.

Experts' fees

Experts' fees are usually paid by the losing party, but these are borne by the State in specific cases where it has a duty to pay costs. When costs are advanced by the State, these include experts' fees. Experts may charge as costs the necessary and justified expenses incurred in the preparation of their opinion. Forensic experts, forensic services and special advisers are granted a flat-rate amount to cover costs that are not supported by an invoice but are necessarily incurred, such as post, telephone and office supplies. The flat-rate amount is 35% of the expert's fee, but no more than HUF 100 000.

The expert may request an advance of up to 50% of the expected costs, but no more than HUF 150 000.

Translators' and interpreters' fees

Translators' and interpreters' fees are usually paid by the losing party, but these are borne by the State in specific cases where it has a duty to pay costs. When costs are advanced by the State, these include such fees.

Related links

[Website of the Budapest Bar Association](#)

## Related documents

[Hungary Report of the Study on the Transparency of Costs \(533 Kb\)](#)

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