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Service of documents: official transmission of legal documents



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European Judicial Network
(in civil and commercial matters)

1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

According to Act CXXX of 2016 on the Code of Civil Procedure ([A polgári perrendtartásról szóló 2016. évi CXXX. törvény](#), in Hungarian) ('Code of Civil Procedure'), court documents must, unless otherwise provided for by law, be sent to the addressee by post in accordance with the legislation on the service of official documents. Addressees may also collect documents addressed to them at the court office upon presentation of proof of identity. In the case of mandatory or optional electronic communication, documents are served electronically.

Please also consult the [Online processing of cases and e-communication with courts](#).

The purpose of serving official documents is to inform addressees of the content of the documents, but in a manner that also enables senders to prove that the documents were transmitted to the addressees. The act itself, its date and the outcome of the service must be evidenced. Official documents may be sent by registered mail with acknowledgement of receipt especially intended for this kind of service.

2 Which documents need to be served formally?

Under Act CLIX of 2012 on Postal Services ([A postai szolgáltatásokról szóló 2012. évi CLIX. törvény](#), in Hungarian) ('Act CLIX of 2012'), the documents that must be served formally are those in the case of which the sending or service (attempted service) or the date thereof have legal consequences by law, those providing the basis for calculating statutory deadlines, or those classified as official documents by law.

Under the Code of Civil Procedure, in civil actions, the following must be communicated by way of service without fail:

- judgments and injunctions to the parties;
- orders passed at the trial, to a party who was not duly summoned to the trial;
- certain orders specified by the Code of Civil Procedure and passed at the trial, to a party who failed to appear at the trial;
- orders passed out of trial, to the party concerned;

all decisions issued in the course of the procedure, to the person in whose interest the proceedings were brought by the prosecutor or the person authorised to bring proceedings.

3 Who is responsible for serving a document?

The court and the postal or trust service provider are responsible for serving documents, under the legislation applicable to them.

4 Address enquiries

4.1 Does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the address indicated is not correct ? See also notification under Article 7(2)(c) of the Service of Documents Regulation.

There is no such obligation.

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

Residential address of natural persons:

In Hungary, the Office of the Deputy State Secretary for Record Keeping of the Ministry of the Interior (Belügyminisztérium Nyilvántartások Vezetéséért Felelős Helyettes Államtitkársága – BM NYHÁT); web: http://nyilvantarto.hu/hu/adatszolgaltatas_szemelyi, in Hungarian) keeps the central register of addresses. This register can be used to obtain the address details of individually identified persons. Such applications may be submitted by private persons, legal persons or entities without legal personality, provided that they justify the purpose of and legal basis for using the data.

The application may be submitted in person at any district office or abroad at the Hungarian diplomatic representation ([magyar külképviseleti hatóság](#), in Hungarian) competent for the foreign residential address.

A written application may be submitted at any district office. If the data requested are not available at the district office, then

- requests by public authorities and applications for data disclosure by public authorities may be submitted at the BM NYHÁT Department for Personal Records and Management, Domestic Legal Assistance Section (BM NYHÁT Személyi Nyilvántartási és Igazgatási Főosztály Belföldi Jogsegélyügyek Osztály), postal address: 1476 Budapest, Pf. 281;
- all other requests by applicants not included in the above (such as private individuals or companies) may be submitted at the BM NYHÁT Department for In-Person Customer Service and Document Administration (BM NYHÁT Személyes Ügyfélszolgálati és Okmányügyeleti Főosztály), postal address: 1553 Budapest, Pf. 78;
- a written application may be submitted abroad at the Hungarian diplomatic representation ([magyar külképviseleti hatóság](#), in Hungarian) competent for the foreign residential address.

The request must include the following information:

- the applicant's details, the name, address, registered office or place of business of the applicant or their representative;
- the exact enumeration of the data requested;
- the purpose of using the data;
- the natural personal identification details that can be used to identify the person named in the application (name, place and date of birth, mother's maiden name) or the name and the residential address known by the applicant (name of municipality, name of street, house number).

Documents to be attached to the application:

- the document justifying the legal basis for using the data;
- proof of the authorised representative's power of representation if not available in the register of dispositions. The power of attorney must be incorporated in an authentic instrument or in a private deed representing conclusive evidence, or recorded in a report.
Unless it implies otherwise, the power of attorney covers all statements and actions relating to the case in hand.

Where there is any doubt as to the authenticity or contents of an instrument of foreign origin, the authority asks

the client to present a recertified authentic instrument made out abroad.

If the client supplies a certified translation of a document made out in a language other than Hungarian enclosed with such document, the authority accepts it as translated.

Conducting the procedure is subject to a subsequent fee for administrative services:

- for the supply of data concerning 1 to 4 persons: HUF 3 500
- for the provision of data involving 5 or more persons: the number of persons involved in the provision of data multiplied by the rate per item, the rate being: HUF 730/item.

In the case of applications submitted from abroad or through the Hungarian diplomatic representation accredited to the country of the applicant's place of residence, the fee must be paid subsequently as a consular fee at the competent Hungarian representation.

Companies:

In the case of companies, the most important data in the trade register, including the address, are available free of charge at the following website, in Hungarian: <https://www.e-cegjegyzek.hu>.

4.3 What type of assistance in address enquiries from other Member States do the authorities of this Member State provide under Article 7(1) of the Service of Documents Regulation? See also notification under Article 7(1) of the Service of Documents Regulation.

The Ministry of Justice receives requests from transmitting agencies to establish the address of the addressee pursuant to Article 7(1)(a) of the Service of Documents Regulation. See point 4.2 for information under Article 7(1)(c) of the Service of Documents Regulation.

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

Under Government Decree No 335/2012 of 4 December 2012 establishing detailed rules governing postal services and the serving of official documents (335/2012. (XII. 4.) Korm. Rendelet, in Hungarian) ('Government Decree No 335/2012'), the postal service provider serves official documents, sent with acknowledgement of receipt, by delivering them in person to the addressee or other authorised recipient.

An official document may not be served on the following persons: an occasional recipient on the basis of a specific contract with the sender or a special provision under the general terms and conditions of the contract; an employee or a member of the organisation during delivery at the organisation's business premises or other premises open to customer traffic; a natural person employed at the reception desk, if such is operated by the organisation; or the lessor of the property given in the address or the addressee's accommodation if it is a natural person.

Under Government Decree No 335/2012, the service provider makes two attempts to serve mail sent as an official document. If the first service attempt fails because the addressee or the authorised recipient is not present at the address, then the service provider will leave a notice, make the official document available at the delivery point indicated in the notice, and make another service attempt on the fifth working day following the unsuccessful service. If the second attempt fails, the service provider will again leave a notice for the addressee and make the official document available at the delivery point indicated in the notice for five working days following the date of the second attempt. Pending the second attempt, the official document may be collected from the delivery point indicated, upon presentation of proof of identity. If the official document has not reached the addressee by the deadline indicated in the second notice, the service provider will return the official document to the sender on the next working day with the indication 'not collected'.

In this case, under the provisions of the Code of Civil Procedure, the document must be regarded as served on the fifth working day following the date of the second service attempt, unless proven otherwise. The service is not considered lawful if the document was served to a substitute recipient rather than the addressee and the substitute recipient was the opposing party or their representative in the judicial procedure. In the case of a

document served to institute proceedings or a substantive decision concluding proceedings, the court notifies the addressee within eight working days of the presumption that the document has been served. If an email address is available, the notification must also be sent to the email address.

Addressees may also collect documents addressed to them at the court office upon presentation of proof of identity.

Act LIII of 1994 on enforcement proceedings ([A végrehajtási eljárásról szóló 1994. évi LIII. törvény](#), in Hungarian) ('Act LIII of 1994') regulates service by bailiff as an alternative method of service permitted in the case of substantive decisions constituting the basis for enforcement, where the presumption of service has taken effect and the party entitled to present the enforcement request has explicitly requested it and paid an advance for the costs. Under Act LIII of 1994, a bailiff may also serve the enforcement documents in person, in accordance with specific legislation. If the procedure is unsuccessful, the documents may be served under a new procedure in accordance with the general rules applicable to the service of official documents.

The Code of Civil Procedure and Act L of 2009 on the order for payment procedure ([a fizetési meghagyásos eljárásról szóló 2009. évi L. törvény](#), in Hungarian) ('Act L of 2009') specifies other cases where service by bailiff may be applied.

In addition to the above, in cases specified by law, service may be effected by special service entities, e.g. through court staff (such as the service of summons to civil trials in urgent cases).

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method provided for? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?

Under the Code of Civil Procedure, a distinction is made between mandatory and optional electronic communication.

Under Act CCXXII of 2015 on the general rules applicable to electronic administration and trust services ([Az elektronikus ügyintézés és a bizalmi szolgáltatások általános szabályairól szóló 2015. évi CCXXII. Törvény](#), in Hungarian) ('Act CCXXII of 2015'), those legally required to use electronic communication (e.g. legal representatives and companies) must submit all applications to the court by electronic means only, in the manner provided for in the Act and its implementing decrees. The court also serves them documents by electronic means.

Parties to proceedings who are not obliged to use electronic communication, or their representatives if not classed as legal representatives, may – with the exceptions set out in the Code of Civil Procedure – submit all documents electronically if they so wish in accordance with the provisions of Act CCXXII of 2015 and its implementing decrees. If a party or their representative chooses electronic communication, the court will serve all court documents electronically.

In the case of electronic communication, continuous contact with the court through the electronic service system is ensured. A party opting for electronic communication is notified whether their submission complies with the IT requirements.

The secure delivery service guarantees, among other things, that notification is provided of the receipt of messages and of unsuccessful delivery. The service provider is required to issue immediate certification to the sender, to be sent to the email address provided, confirming the information pertaining to the document service event.

For documents served using secure delivery services, five working days should be allowed for receipt, unless

otherwise provided by legislation. If the addressee does not take delivery of the mail within that time limit but does not refuse delivery either, a second notification is sent on the first working day following the period of five working days.

Since the introduction of electronic communication into procedural law, the provisions of the Code of Civil Procedure pertaining to the presumption of service (detailed below) apply not only to postal delivery but to all legal means of serving documents, including electronic means.

In urgent cases, summons to civil trials may be delivered by means of electronic mail even in the absence of electronic contact.

6.1 What type of electronic service within the meaning of Article 19(1) of the Service of Documents Regulation are available in this Member State where service is to be effected directly on a person, who has a known address for service in another Member State?

The methods of service referred to in Article 19(1) of the Service Regulation do not apply.

6.2 Has this Member State in accordance with Article 19(2) of the Service of Documents Regulation specified additional conditions under which it will accept electronic service via e-mail referred to in Article 19(1)(b) of that Regulation? See also notification under Article 19(2) of the Service of Documents Regulation.

No additional conditions have been specified.

7 'Substituted' service

7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?

Under the Code of Civil Procedure, if the party's place of residence is unknown and the court document cannot be served on the party by electronic means, or if the party resides in a state which does not provide legal assistance for service, or if there are other irremovable obstacles preventing service, or if the law so provides, service must be performed by public notice. As a general rule, the court may order service by public notice upon request by the party concerned, provided that there are substantiated grounds for doing so.

The notice must be displayed for fifteen days on the central website of the courts, on the notice board of the court, and on the notice board of the local mayor's or council office at the party's last known place of residence. If the party's email address is available, the notice must be also sent to that email address.

According to the Code of Civil Procedure, if, at the address given by an addressee whose domicile, place of residence or registered office is in Hungary, the document instituting proceedings to be served by the postal service provider or the substantive decision closing the proceedings cannot be served – except in cases of a presumption of service and in cases where the reason for the impossibility to serve is the death or termination of the addressee, and the impossibility to serve is not due to a preventable cause under the control of the court or postal service provider – then service of the document must also be attempted in accordance with the provisions of the Judicial Enforcement Act relating to service by bailiffs, at the request of the party in whose interest the service is to be carried out.

7.2 If other methods are applied, when are the documents deemed to have been served?

In the case of service by public notice, as a general rule, documents must be regarded as served on the fifteenth day of the notice being displayed on the court's central website.

In the case of service by a bailiff, if the service is unsuccessful, the document must not be deemed to have been served.

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

Under the Act on Postal Services, the service provider and the addressee may agree that items arriving for the addressee should be served not at the address indicated on the item but at another address. Under Government Decree No 335/2012, the postal service provider provides information on the arrival of official documents addressed to a post office box by leaving a notice in the box even if the official document is addressed to the post office box but is not for the lessee of the box.

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

Under the Code of Civil Procedure, court documents must be regarded as served on the date of attempted service if the addressee refuses to accept them.

8 Are there specific rules for the service of a European order for payment, and if so, please specify these rules and procedures, including any relevant legal provisions?

There are no specific rules in force in Hungary for the service of a European order for payment.

9 Postal service from abroad (Article 18 of the Service of Documents Regulation)

9.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 18 of the Service of Documents Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

In the case of service under Article 18 of the Regulation, the postal service provider in Hungary is not aware that the mail received from abroad is an official document. It therefore applies not the particular rules applicable to the service of official documents but only the general domestic rules applicable to registered mail (with acknowledgement of receipt).

Under Government Decree No 335/2012, if the natural person who is the addressee is absent from the address at the time of the attempted service, the item must be delivered in the first instance to the addressee's authorised representative present at that address.

If at the time of the attempted delivery both the addressee and their authorised representative are absent, according to the statement of the substitute recipient, the item may be delivered to the substitute recipient present at that address.

The addressee's relative within the meaning of the Civil Code who is at least 14 years old, the lessor of the property at the address given or the provider of the addressee's accommodation, if that person is a natural person, will be regarded as substitute recipients.

By using the 'Delivery to addressee' mail service, it is possible to ensure that the mail cannot be received by a substitute recipient but only by the addressee or their authorised representative in person.

9.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 18 of the Service of Documents Regulation, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national

rules of postal delivery – see above) has been reached at the address of delivery?

If the addressee or other authorised recipient is not present at the address at the time of attempting service, the service provider leaves a notice informing the addressee that the document is available for the addressee at the delivery point of the service provider. The document can be collected at that address by the addressee, their authorised representative or a substitute recipient having the given address as their place of residence or stay. If the addressee or other authorised recipient does not collect the mail by the deadline indicated in the notice, the service provider returns the document as undelivered.

9.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

The period of availability is determined by the postal service provider. In the case of Magyar Posta Zrt., this is ten working days from the attempted service. For the means of communication, see the previous point.

10 Is there any written proof that the document has been served?

The written proof of service is the acknowledgement of receipt, which indicates the outcome of the service, i.e. the recipient, the status of the recipient if not the addressee (e.g. the authorised representative), the date of receipt or, in the event of non-delivery, what prevented delivery (e.g. refusal of receipt, 'did not collect'). The service provider returns the acknowledgement of receipt to the sender. The return of the acknowledgement of receipt to the sender may, in the case of a contract to that effect, take place digitally. Proof of service may be provided by other technical means.

Under Act CCXXII of 2015, mail delivered in accordance with the official contact details (the electronic contact details required to be notified by the business organisation and possibly provided by a natural person) is deemed to have been served

- (a) if the service provider providing the official contact details confirms receipt of the item by the customer, at the time indicated on the certificate;
- (b) if the service provider providing the official contact details confirms that the addressee has refused to accept the item, on the date indicated on the certificate of refusal, or
- (c) if the service provider providing the official contact details confirms that the addressee has not received the item despite two notifications, on the fifth working day following the date of the second notification indicated on the certificate.

In the case of electronic contact details which are not official contact details, it is legally possible to prove that service has been effected, and no presumption of service exists for such service.

In the context of secure electronic communication used by bodies providing electronic administration and bodies with a public service mission designated by the Government, an item is deemed to have been served

- (a) in the case of service in accordance with the contact details for published secure electronic communication, on the working day following the dispatch;
- (b) in the case of a transfer of documents between document management systems, at the time of successful transfer of documents certified by the service provider, or
- (c) where an automatic information transmission system is used which ensures that the information supplied can be established ex post, either by recording changes or otherwise, at the time specified in the policy or agreement on the transmission of information.

A paper copy produced locally at the electronic point of contact will be deemed to have been served upon its production.

11 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?

Under the Code of Civil Procedure, if the presumption of service has been established (i.e. if the addressee refused reception or did not accept the document despite two attempts at service), the addressee may lodge an objection with the court competent for the service, for the reasons set out below. The court will notify the addressee of the presumption of service within eight working days of the entry into force of its establishment or, if the court becomes aware of it only later, within three working days of the date on which the court becomes aware of it, or, in the case of paper communication, by simple mail. In the notification, the court will inform the addressee of the rules governing objections to the presumption of service and, in the case of a document instituting proceedings, of the legal effect of bringing proceedings.

As a general rule, no objection can be submitted more than three months after the date on which presumption of service takes effect or after the date of service. If the service or the presumption of service concerns a document instituting proceedings, the objection may be lodged while the proceedings are in progress, within fifteen days of learning about the service or the presumption of service of the document.

The objection will be upheld if the addressee was unable to receive the judicial document because (a) service was effected in breach of the rules governing the service of official documents or was not lawful for another reason, or

(b) the addressee was not able to receive the document for another reason not mentioned in point (a) through no fault of their own.

An objection against the presumption of service on the grounds covered under point (b) may be raised by natural persons only.

If the court accepts the objection, the legal consequences connected to the service become void and the service and any measures and procedural actions already taken must be repeated as necessary.

An objection may also be raised in the course of enforcement proceedings. In the event that the decision considered to be served becomes final, the addressee may – on the grounds already described – submit an objection to the court that issued the decision at first instance during the enforcement proceedings, within fifteen days of learning about the proceedings to enforce the decision.

As a general rule, the court may order service by public notice upon request by the party concerned, provided that there are substantiated grounds for doing so. If the facts presented in the application for service by public notice prove to be false and the applicant party was aware or had reasonable grounds to be aware of that, the party must be ordered to pay the costs incurred in connection with the service by public notice, irrespective of the outcome of the proceedings, and the court will also impose a fine.

A final judgment may be subject to revision where the document instituting the proceedings or another document was served on the party by public notice in violation of the rules applicable to such service.

12 If the addressee refuses to accept a document based on the language used (Article 12 of the Service of Documents Regulation) and the court or authority seised of the legal proceedings decides upon verification that the refusal was not justified, is there a specific legal remedy to challenge that decision?

There is no specific remedy available.

13 Do I have to pay for service of a document, and if so, how much? Is there a difference where the document is to be served under domestic law and where the request for service originates from another Member State? See also notification under Article 15 of the Service of Documents Regulation, concerning service of a document from another Member State.

Court fees also include the costs of document service. Therefore, the party does not have to pay the costs of service in court proceedings. The only exception is service by bailiff under Act LIII of 1994, where the person requesting enforcement must pay the related costs in advance. As laid down by law, the bailiff is entitled to a one-off fee of HUF 6 000 and a flat-rate fee of HUF 1 500 to cover costs, regardless of the number of service attempts.

If the enforcement proceedings are started on the basis of the document to be served, the costs are borne by the debtor. The costs relating to service by public notice must be paid in advance by the person requesting such service.

The rules on service fees make no distinction with regard to requests from another Member State.

 Last update: 21/05/2026

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