

## Member State case law - Hungary



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This section provides an overview of Hungarian case-law as well as a description of and links to case law databases.

### Case-law published on Internet websites

Act CLXI of 2011 on the organisation and administration of courts provides that from 1 January 2012 the Curia (Hungary's supreme court), the five regional courts of appeal and the administrative and labour courts (the latter only where an administrative decision under review in an administrative case was issued in first-instance proceedings, and the court's decision is not subject to ordinary appeal) are required to publish the decision on the merits of the case in digital form in the collection of Hungarian court decisions (Bírósági Határozatok Gyűjtemény). At present, the collection of Hungarian court decisions is accessible on the website of the register of anonymous decisions (Anonim Határozatok Tára - link: <http://birosag.hu/ugyfelkapcsolati-portal/anonim-hatarozatok-tara>). (In the past, the Supreme Court and the five regional courts of appeal were required under Act XC of 2005 on the freedom of electronic information to publish all their decisions on merit from 1 July 2007.)

Decisions given in the following proceedings are an exception, and therefore do not have to be published in the collection of court decisions:

- court decisions given in order-for-payment, enforcement, company-court, bankruptcy and winding-up proceedings, as well as proceedings involving registers kept by the court;
- decisions given in matrimonial proceedings, proceedings aimed at determining paternity and origin, proceedings on the termination of parental responsibility as well as guardianship proceedings may not be published if either party so requests;
- decisions given in proceedings involving alleged sex offences may not be published without the victim's consent.

Moreover, the Curia is required to publish judicial uniformity decisions (link: <https://kuria-birosag.hu/hu/jogegysegi-hatarozatok>), judicial judgments of principle (link: <http://www.kuria-birosag.hu/hu/elvi-birosagi-hatarozatok>) and judicial decisions of principle (<http://www.kuria-birosag.hu/hu/elvi-birosagi-dontesek>). These are also available on the website of the register of anonymous decisions (link: <http://birosag.hu/ugyfelkapcsolati-portal/anonim-hatarozatok-tara>).

The decision and the name of the president of the court that gave the decision must be published in the collection of court decisions within 30 days of the decision being recorded in writing.

The description of the published decision must include the name of the court and of the legislative area, the year in which the decision was given, the reference number, as well as the provisions on the basis of which the decision was given by the court.

As a rule, all the parties' personal data must be deleted from the decisions ('anonymous decision'), and the parties must be identified according to the role played by them in the proceedings.

### Presentation of decisions / Titles

There are no specific titles, because the search engine gives all relevant data of the results. In the results list, there is an identification number referring to data that is also highlighted in the results list (court, type of procedure).

(The detailed rules for indicating decisions published in the collection of court decisions are laid down in Decree No 29/2007 of 31 May 2007 of the Minister for Justice and Law Enforcement.)

### Formats

Case-law is available in .rft format.

## Courts concerned

The Curia and regional courts of appeal are required to publish all decisions on merit. All decisions of lower courts directly connected to these decisions are also to be published.

Administrative and labour courts are required to publish their decisions on merit only where they were issued in first-instance administrative proceedings, and the court's decision is not subject to ordinary appeal.

Furthermore, the presidents of the courts can decide whether they intend to publish other decisions on merit.

Central website: [Court](#).

## Further proceedings

|                                                                                 | Curia | Other courts |
|---------------------------------------------------------------------------------|-------|--------------|
| Is information available as to appeals?                                         | No    | No           |
| • whether a case is still in progress?                                          | No    | No           |
| • the result of appeals?                                                        | No    | No           |
| • the irrevocability of the decision?                                           | Yes   | Yes          |
| • further proceedings before another Hungarian court (Constitutional Court...)? | No    | No           |
| the European Court of Justice?                                                  | No    | No           |
| the Court of Human Rights?                                                      | No    | No           |

## Publication rules

|                                                          | at national level? | at court level?                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Are there binding rules for the publication of case-law? | Yes                | Yes                                                                                                                                                                                                                                                                                                    |
|                                                          | Curia              | Other courts                                                                                                                                                                                                                                                                                           |
| Is all case-law published or only a selection?           | All case-law       | Only a selection                                                                                                                                                                                                                                                                                       |
| If a selection is made what are the criteria applied?    |                    | The five courts of appeal publish all decisions on merit. All decisions of lower courts directly connected to these decisions are also to be published.<br><br>Furthermore, the presidents of the courts can decide whether they intend to publish other decisions on merit.<br><br>As of 1 July 2007. |

## Legal databases

### Name and URL of the database

[Hungarian courts portal](#)

### Is access to the database free of charge?

Yes, access to the database is **free of charge**.

### Brief description of content

Since 1 July 2007 all decisions on merit of the Curia (known before 1 January 2012 as the Supreme Court) and the five regional courts of appeal, and since 1 January 2012 decisions on merit of the administrative and labour courts in administrative cases (where an administrative decision under review was issued in first-instance proceedings, and the court's decision is not subject to ordinary appeal).

All decisions of lower courts directly connected to these decisions.

Other decisions given by the court president.

All the parties' personal data must be deleted from the decisions, and the parties must be identified according to the role played by them in the proceedings. However, the following information must not be deleted:

- the name of a body performing state or local governmental functions, or any other public functions laid down in legislation and - unless otherwise provided by law - the first name and surname or names (collectively known as 'name') and position of a person acting in that capacity, where the person in question was involved in the proceedings by virtue of his or her public function;
- the name of the lawyer acting as authorised representative or defending counsel;
- the name of the natural person losing the case as defendant, as well as the name and registered address of legal persons or bodies without legal personality, if the decision was given in proceedings in which there is a right by law to assert claims of public interest;
- the name and registered address of business organisations or foundations, as well as the name of their representative;
- data accessible on grounds of public interest.

#### Related links

 [Search in the collection of Hungarian court decisions](#)

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