

Article 65(3) - Information on how to determine, in accordance with national law, the effects of the judgments referred to in Article 65(2) of the Regulation**1.) Meaning of third-party notice under Hungarian civil procedural law**

A party who has been unsuccessful and wishes to lodge a claim against a third party, or is the subject of a claim lodged by a third party, may send that third party a notice. A third-party notice may be sent not only by an applicant or a defendant, but also by an intervening party or by a notified third party.

2.) Time limits for the third-party notice as a procedural act:

A defendant may file a third-party notice within 30 days following receipt of a claim, and the applicant within 30 days of being notified of a substantive counter-claim. This provision applies by analogy to admitted claim amendments and to counter-claims.

A person who intervenes after the start of the litigation, i.e. the intervening party or the notified third party, may file a third-party notice within 30 days of intervening in the proceedings. In cases regarded as being particularly serious (sums in dispute exceeding HUF 400 million), the time limit for the statements of the notifying party and the notified third party is not 30 days, but 15 days. A statement submitted by the notifying party after the deadline is null and void, in other words it is deemed by the court not to have been made.

3.) Sending a third-party notice:

The notifying party has two obligations when sending a third-party notice. First, the notifying party has to send the notice to the third party concerned in writing, indicating the grounds of the notice and providing a brief overview of the state of the proceedings. Second, the third-party notice has to be submitted to the court, in writing or orally at the hearing, mentioning also the grounds of the notice. When submitting the third-party notice to the court, the notifying party has to include documents providing evidence that the notified third party has received the notice and evidence of the date of receipt.

If the notified third party does not send the court, within 30 days of the notification for which the notifying party has provided evidence, a statement on joining the proceedings, the notified third party is regarded as not having accepted the third-party notice. A statement submitted after the deadline is null and void. Where the notified third party accepts the third-party notice, that party may join the notifying party as an intervening party. This can be notified in writing or orally at the hearing.

Otherwise, admitting the intervention of the notified third party and the legal status of the notified third party are subject to the rules governing interventions.

4.) Legal consequences of third-party notices:

Where the notified third party accepts the third-party notice, that party may join the notifying party as an (invited) intervening party. Hungarian civil procedure law provides for two different situations in the case of intervening parties.

- If the legal force of the judgment does not cover the legal relation between the intervening party and the opposing party, the intervening party (initially the notified third party) may independently take any of the legal actions that can be taken by the party supported by that intervening party, excluding settlements, rights recognition and rights waivers. The actions of the intervening party have effect only insofar as the supported party does not take those actions and they do not conflict with the actions of the supported party.

- If, under the legislation in force, the legal force of the judgment also covers the legal relation between the intervening party and the opposing party, the intervening party (initially the notified party) may independently take any of the legal actions that can be taken by the party supported by that intervening party, excluding settlements, rights recognition and rights waivers, and such actions have effect even if they conflict with the actions of the supported party. When examining the case, the court assesses the impact of such contradictory actions taking into account also the other aspects of the case. However, whether the legal force of a judgment covers the relation between the intervening party and the opposing party is not a matter for judicial discretion, but arises exclusively from legal provisions.

One such legal provision is Section 32(2) of *Act LXII of 2009 on compulsory third-party motor liability insurance*, which provides as follows: 'The scope of any legally binding judgment dismissing the injured party's compensation claim shall also include the policyholder, as well as the operator and the driver in the cases mentioned in Section 35(1), if the court so rules in a lawsuit between the injured party and the insurance company, the claim settlement agent, the National Bureau or the manager of the Compensation Fund.' (The aforementioned Section 35(1) provides as follows: 'The injured party may file a claim with the manager of the Compensation Fund in order to receive compensation for loss or injury caused within the territory of Hungary by an uninsured motor vehicle in violation of the insurance obligation, by a motor vehicle used by an unidentified operator, or by an unidentified vehicle, or during the suspension period referred to in Section 26, subject to the exceptions set out in Section 36. The manager of the Compensation Fund shall cover claims up to the amount limits specified in Section 13(1). The manager of the Compensation Fund shall also compensate the injured party for any loss caused by a motor vehicle that has not been placed into service or has been removed from service.')

Accepting a third-party notice does not mean that the notified third party acknowledges an obligation towards the notifying party. The legal relation between the notifying party and the notified third party cannot be decided on in the main proceedings (to which the notified third party has been invited).

Article 74 - Description of national rules and procedures concerning enforcement

Please go to the [Procedures for enforcing a judgment](#) form.

Article 75 (a) – Names and contact details of the courts to which the applications are to be submitted pursuant to Articles 36(2), 45(4) and 47(1)

In Hungary, the District Courts (Járásbíróság) situated at the seat of the Regional Court (Törvényszék). In Pest County, the Buda District Court, in Budapest, the Central District Court of Buda.

Article 75 (b) – Names and contact details of the courts with which an appeal against the decision on the application for refusal of enforcement is to be lodged pursuant to Article 49(2)

In Hungary, the regional courts (Törvényszék). In Budapest, the Budapest-Capital Regional Court (Fővárosi Törvényszék).

Article 75 (c) – Names and contact details of the courts with which any further appeal is to be lodged pursuant to Article 50

- in Hungary: the Curia (by means of an application for a review, to the court of first instance, against its decision).

Article 75 (d) – Languages accepted for translations of the certificates concerning judgments, authentic instruments and court settlements

Not applicable

Article 76(1)(a) – Rules of jurisdiction referred to in Articles 5(2) and 6(2) of the Regulation

- in Hungary: Article 57 of Law Decree No 13 of 1979 on international private law,

Article 76(1)(b) – Rules on third party notice referred to in Article 65 of the Regulation

- in Hungary: Sections 58-60 (concerning third-party notice) of Act III of 1952 on the Code of Civil Procedure.

Article 76(1)(c) – Conventions referred to in Article 69 of the Regulation

Agreement between the Hungarian People's Republic and the People's Republic of Bulgaria on legal assistance in civil, family and criminal matters, signed in Sofia on 16 May 1966,

Convention between the Republic of Cyprus and the Hungarian People's Republic on legal assistance in civil and criminal matters, signed in Budapest on 30 November 1981,

Treaty between the Czechoslovak Socialist Republic and the Hungarian People's Republic on legal aid and settlement of legal relations in civil, family and criminal matters, signed in Bratislava on 28 March 1989, still in force in respect of the Czech Republic and the Slovak Republic,

Convention between the Hungarian People's Republic and the French Republic on legal assistance in civil and family law, on the recognition and enforcement of decisions and on legal assistance in criminal matters and on extradition, signed in Budapest on 31 July 1980,

Convention between the Hungarian People's Republic and the Hellenic Republic on legal assistance in civil and criminal matters, signed in Budapest on 8 October 1979,

Treaty between the People's Republic of Hungary and the Socialist Federal Republic of Yugoslavia on Mutual Legal Assistance, signed on 7 March 1968, in respect of the Republic of Croatia and the Republic of Slovenia,

Convention between the People's Republic of Poland and the People's Republic of Hungary on legal assistance in civil, family and criminal matters, signed in Budapest on 6 March 1959, and

Treaty between the People's Republic of Hungary and the People's Republic of Romania on legal assistance in civil, family and criminal cases, signed in Bucharest on 7 October 1958.

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