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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

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Hungary

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

Not relevant in Hungarian law.

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

Not relevant in Hungarian law.

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

Annex II certificates are issued by the court of first instance (Article 36(1)(a)). Annex III certificates are issued by the court of first instance and the competent guardianship authority (Article 36(1)(b)). Annex IV certificates are issued by the court of first instance (the Pest Central District Court) (Article 36(1)(c)).

Article 66 is not relevant in Hungarian law.

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

Annex II certificates are rectified by the court of first instance (Article 37(1)). Annex III certificates are rectified by the court of first instance, and the Budapest and county government offices acting in their capacity as child protection and guardianship offices rectify Annex III certificates issued by the guardianship authority in their area of competence (Article 37(1)). Annex IV certificates are rectified by the court of first instance (the Pest Central District Court) (Article 37(1)). Annex V certificates are rectified by the court of first instance, and the Budapest and county government offices acting in their capacity as child protection and guardianship offices rectify Annex V certificates issued by the guardianship authority in their area of competence (Article 48(1)). Annex VI certificates are rectified by the court of first instance (Article 48(1)). Annex VII certificates are issued by the court of first instance and the competent guardianship authority (Article 49(1)). Article 66 is not relevant in Hungarian law.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

Concerning Article 30(3): The court with jurisdiction is the district court operating at the seat of the regional court where the respondent is domiciled in Hungary or, failing that, where the respondent is habitually resident (in Budapest, the Buda Central District Court); failing that, the district court operating at the seat of the regional court where the applicant is domiciled in Hungary or, failing that, where the applicant is habitually resident (in Budapest, the Buda Central District Court), or, if the applicant is not domiciled, has no registered office or is not habitually resident in Hungary, the Buda Central District Court. Concerning Article 52: With the exception of decisions, authentic instruments or agreements on access, the court with jurisdiction is the district court operating at the seat of the regional court where the obligated party or the child is habitually resident (in Budapest, the Buda Central District Court); in the case of decisions, authentic instruments or agreements on access, the court with jurisdiction is the district court where the child concerned by the access is domiciled in Hungary or, failing that, has their place of residence in Hungary, or, if that cannot be established, the Buda Central District Court.

Concerning Article 40(2): The court with jurisdiction is the district court operating at the seat of the regional court where the respondent is domiciled in Hungary or, failing that, where the respondent is habitually resident (in Budapest, the Buda Central District Court); failing that, the district court operating at the seat of the regional court where the applicant is domiciled in Hungary or, failing that, where the applicant is habitually resident (in Budapest, the Buda Central District Court), or, if the applicant is not domiciled, has no registered office or is not habitually resident in Hungary, the Buda Central District Court.

Concerning Article 58(1): Applications must be submitted to the court ordering enforcement.

Concerning Article 61(2): Appeals must be brought before the court of first instance and are adjudicated by the regional court.

Concerning Article 62: Requests for review must be lodged with the court which issued the decision at first instance and are adjudicated by the Curia.

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

With the exception of decisions, authentic instruments or agreements on access, the court with jurisdiction is the district court operating at the seat of the regional court where the obligated party or the child is habitually resident (in Budapest, the Buda Central District Court); in the case of decisions, authentic instruments or agreements on access, the court with jurisdiction is the district court where the child concerned by the access is domiciled in Hungary or, failing that, has their place of residence in Hungary, or, if that cannot be established, the Buda Central District Court.

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

Concerning Article 61: Appeal.

Concerning Article 62: Review.

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

With the exception of cases concerning the return of children removed abroad and the return of children brought to Hungary, the Ministry of Interior (address: 1054 Budapest Báthory utca 10, postal address: 1884 Budapest, Pf. 1., telephone number: +36-1-795-5468, +36-1-795-3155; email: gyergyam@bm.gov.hu). For cases concerning the return of children removed abroad and the return of children brought to Hungary, the Ministry of Justice (address: 1054 Budapest Báthory utca 12, postal address: 1357 Budapest, Pf. 2., telephone number: +36-1-795-5397, +36-1-795-3188, fax: +36-1-550-3946; email: nmfo@im.gov.hu).

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

Not relevant in Hungarian law.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

English, Hungarian.

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

Hungarian.

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