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Hungarian

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Hungary

Rather than going to court, why not resolve disputes through mediation? This is a form of alternative dispute resolution (alternatív vitarendezés) (ADR) (ADR) where a mediator (közvetítő) helps the parties reach agreement. Both the government and legal practitioners in Hungary are well aware of the advantages of mediation.

Who to contact?

According to Act 2002 LV. on Mediation (a közvetítői tevékenységről szóló 2002. évi LV. törvény) the **Ministry of Public Administration and Justice** (Közigazgatási és Igazságügyi Minisztérium) is responsible for the registration of mediators and of legal persons employing mediators.

A register of mediators and legal entities employing mediators can be found on the [website of the Ministry of Public Administration and Justice](#).

The website provides users with general information and it is possible to search the register of mediators by name, area of expertise, language skills and county in which their office is located. For legal entities, searches are based on name, county and abbreviated name.

Registration forms for mediators and legal entities employing mediators can also be found on the same [website](#).

Among the non-governmental organisations active in the area of mediation are:

The National Mediation Association ([Országos Mediációs Egyesület](#)); and

the Mediation and Legal Coordination Department of the Budapest Chamber of Commerce (Budapesti Kereskedelmi és Iparkamara Mediációs és Jogi Koordinációs Osztálya).

In which area is recourse to mediation admissible and/or the most common?

Act LV of 2002 on mediation covers civil litigation, but excludes mediation in libel proceedings, administrative proceedings, guardianship proceedings, proceedings on the termination of parental responsibility, enforcement proceedings, procedures establishing paternity or ancestry, and constitutional appeals.

Are there specific rules to follow?

Recourse to mediation is voluntary, but has certain advantages in relation to the **Act on Duties** (az illetékekről szóló törvény) and the **Code of Civil Procedure** (polgári perrendtartás).

If the parties participate in mediation after the first hearing and the agreement reached is ratified by the presiding judge only half of the applicable duties are payable. Even the fee payable to the mediator + VAT (HÉA) (but not more than 50.000 forints) may be deducted from this already reduced amount. The only restriction is that the final amount of duty may not be less than 30% of the original amount. The reduction does not apply if in a certain case mediation is not permitted by the law.

If the parties participate in mediation before civil proceedings, then the amount of court duty payable is reduced by the mediator's fee + VAT, but by not more than HUF 50 000, provided that the court duty paid is not less than 50% of the original amount. The reduction does not apply if mediation is not permitted by law in the particular case or if the parties go to court in spite of the settlement reached through mediation (except to give effect to the settlement in the absence of voluntary compliance).

There is no national code of conduct for mediators, but the majority of mediation associations follow the European Code of Conduct for Mediators (közvetítők európai magatartási kódexe).

There is a specific **code of conduct for employment law disputes**, which was prepared by the Service of Conciliation and Mediation in Employment Cases (Munkaügyi Közvetítői és Döntőbírói Szolgálat).

Certain courts make mediation available to parties free of charge for on-going proceedings. Detailed rules and a list of courts is available on the central website of the Hungarian courts. (http://birosag.hu/engine.aspx?page=Birosag_showcontent&content=Birosagi_kozvetites)

Information and training

There is no specific information website available in English on mediation or national training body for mediators.

The [website on mediation](#) is available only in Hungarian.

What is the cost of mediation?

Mediation is not free of charge; **payment** is subject to agreement between the mediator and the parties.

Is it possible to enforce an agreement resulting from mediation?

Pursuant to [Directive 2008/52/EC](#), applicants may request that the content of the written agreement concluded as a result of mediation be made enforceable. Member States shall inform the Commission of the courts or other authorities responsible for handling those requests.

Parties may have the content of the agreement they have arrived at through mediation declared enforceable. They can request the court or a notary public to incorporate the agreement into a settlement approved by the court or into an authentic document, which can be enforced afterwards.

Related Links

[Website of the Register of Hungarian Mediators](#) (A magyar közvetítők adatbázisának honlapja)

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