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Dear Client!

The evolution of the information society and the claim for the quickness of the procedures demand the electronic administration in the court and authority procedures. The legal background of the electronic delivery of the official documents is ensured by the Act LII of 2009, which entered into force on 1 October 2009. The objective of the law is to accelerate the litigation and the participation in the administrative procedures. For instance the undertaking may solely submit its claim, moreover its documentary proofs to the court electronically and the court shall deliver all official documents electronically in the civil procedure from 1 July 2011. The party and undertaking with an attorney at law may solely submit its petition electronically in the payment warrant procedure from 1 July 2010. Or for instance in the public procurement procedures the offeror may submit its offer, the candidate tenderer its request to participate or other required documents in the public procurement procedure electronically to the offeree.

Changes in the court and authority delivery

The official document

Before detailing the rules of the electronic delivery and of the certificate of delivery, it is important to emphasize, what is considered an official document by the law. Pursuant to this act the official document is such a document or other electronic data file, which was delivered in a stipulated procedure by the court, the public prosecutor's office, administrative bodies respectively by other authority for the client electronically on the way eligible for producing legal effect, furthermore, which are sent by official bodies to each other and which was delivered by the client for the official authority.

The electronic communication is ensured by the State Electronic Delivery Provider, which is an agency that is independent also from the sender and from the recipient as well. It is essential that on the system of the State Electronic Delivery Provider may be accessed as a natural person through the customer port. The rules applicable for the natural persons shall be applied for the attorneys at law participating in the procedure and for the legally appointed representative of the undertakings participating in the procedure.

The electronic certificate of delivery

To the legal effect of the receipt of the electronically sent documents is the credible acknowledgement of the sender about the regular receipt definitely required, which is proved by the electronic certificate of delivery. By the electronic certificate of delivery the official authority sending the official document may prove on a credible manner that the person entitled to the receipt received the electronically delivered post and what time the receipt happened. The electronic certificate of delivery is a public document, which includes at least the name of the sender and the addressee (the identification), the file number (or other identification) the reference for identification of the delivered official document and the time of the receipt of the official document.

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A customer port of entry may be set up in person at the central authority operating the register of personal data and address records of citizens or at a document bureau operated by the competent regional notary or at any other agency designated in the relevant government decree.

The submission of official documents to the authority

If someone would like to submit an official document to the official authority, the official document to be delivered shall be submitted on the electronic printed form over the customer port of the client. After the electronic control, if the form meets the electronic requirements it is affixed by timestamp, which protects the document from the subsequent modifications and a feedback is sent for the sender. If it does not meet the electronic requirements, then the natural person is indirectly informed.

The delivery of official documents for natural person

If an official authority would like to deliver official documents for a natural person, the addressee may receive the sent official document over the customer port, but before the receipt the client may know at least the name of the sender, the time of the delivery to the storage and the file number. The addressee does not have the chance to know the subject matter of the official document. To the receipt is required that the addressee shall open the internet link of the official document. At this time the electronic certificate of delivery emerges, which is sent back to the storage of the sender by the Provider and the addressee may download the official document. This procedure is called electronic delivery.

Transfer

The transfer from electronic to paper-based delivery is possible (and also on the contrary), but it has several restrictions. Such a restriction is that the transfer in the procedure is solely one time possible, it must be sustained with a justified petition and following the transfer the return to the former delivery manner is not possible. Further restriction is that the re-delivery of the former properly delivered official document is not possible following the transfer.

Delivery presumption

The rules of the delivery presumption differ in part in case of electronic and postal delivery. In case of postal delivery if the document is returned to the authority marked "unclaimed", the document shall be considered served on the fifth working day following the day of the second attempted postal delivery, unless proven to the contrary. Pursuant to the electronic delivery rules, if the official document is not received by the addressee following 5 days of the upload to the delivery storage, the official document shall be considered served on the following day.

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