



(Map source: Europa)

Hungary



Population: 10 200 000 inhabitants
Surface area: 93 000 Km²
Capital: Budapest
Currency: Forint
Official language: Hungarian
Form of government: Republic
Membership at EU: 2004
Membership at UIHJ: 1996

The Onallo Biroasagi Vegrehajto

Who are the professional officers charged with the enforcement of court judgments, the service of writs, or with debt collection?

They are the “Onallo Biroasagi Vegrehajto”, the judicial officers. They exercise a monopoly on the enforcement of judgments and writs of execution. They are also entitled to serve writs and formulate observations and legal findings, proceed to the amicable collection of debts and the collection of judgment debts, offer legal advice, and engage in voluntary or enforced public auction sales.

What is the status of these professional officers?

The judicial officers are appointed by the Ministry of Justice. Independent professionals, they have been accorded liberalised status. The profession and admission to it are strictly regulated.

How are the judicial officers organised?

The 203 judicial officers, of whom 11 are women, are spread across the entire territory. They may operate on their own or under the aegis of professional civil partnerships. Currently, there are approximately 25 such partnerships in operation. They employ a total of some 1000 collaborators. Barring exceptions, in the matter of acts of enforcement, the judicial officers are given a territorial competence that is limited to

jurisdiction over the district of their residence.

The “Magyar Biroasagi Vegrehajtoi Kamara” (the Hungarian Chamber of Judicial Officers) represents the profession at the national level.

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How can one join the profession?

Aside from holding the Hungarian nationality and giving proof of an exemplary moral character, the candidate must have completed four years of law studies at the university level, have passed through a traineeship programme of 2 year’s duration in the office of a practising judicial officer, then have successfully passed a professional examination, followed by one year at a judicial officer’s practice. The candidate is subsequently appointed by the Minister of Justice, after a meticulous examination of his dossier. The judicial officer is required to follow an updating course at least once a year. The administrative collaborators can follow training programmes organised by the profession and the courts.



The enforcement of court judgments

Who is charged with the enforcement of court judgments in Hungary?

The judicial officers exercise a monopoly on the enforcement of judgments and instruments and writs of execution. Only the judicial officers charged with execution may proceed to the enforcement of judgments.

Can one contact a judicial officer directly to have a court order enforced?

No. The tribunal that has pronounced the judgment shall hand over the dossiers to each competent judicial officer in turn, this by a system of rotation.

Is the judicial officer empowered to enforce execution against the entire debtor estate?

The judicial officer must honour the following hierarchical order with respect to the enforcement procedures:

1. Attachment of bank accounts
2. Garnishee of wages
3. Seizure of personal possessions
4. Seizure of immovable property

Is the judicial officer responsible for carrying out the enforcement act?

Yes. The judicial officer must respect the hierarchical order with regards to procedures of civil enforcement. He is entitled, when the law so requires, to request the competent judge to issue the authorisations or prescribe the needed measures. Should problems arise in the course of an enforcement procedure, the judicial officer shall draw up a report and have the competent judge make a decision.

Is it possible for the judicial officer to obtain personal information about the debtor and his estate?

Yes. The judicial officer may obtain access to all data files, except the record on mobile phones. Searches are conducted by computer, directly from his office.

Who pays for the judicial officer's intervention costs?

The debtor assumes the costs for the judicial officer's intervention within the context of the enforcement act. In the event that the debtor is insolvent, it is the creditor who must assume the expense.

The service of writs

Are judicial officers entitled to proceed to the service of writs?

Yes. The judicial officers hold a monopoly on the service of legal writs, of judicial and extra-judicial nature. In turn, the courts also may proceed to the service of writs by mail.

What are the physical steps involved in serving a writ?

The writ is physically handed over by the judicial officer to the addressee or to a member of his family present at the domicile address and holding power-of-attorney. When the handing-over to the addressee is not possible, and uniquely in the framework of an enforcement, a notice of passage is posted to the door requesting the addressee to collect the writ at the judicial officer's

office. A letter is likewise dispatched by mail. In other instances, the judicial officer is required to make a renewed attempt at serving the writ.

What is the force in law of a writ?

The judicial officer draws up a report on the handing-over process that is accorded official status.

Does the judicial officer's intervention fall within the framework of the Council regulation (EC) N° 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters?

Not at this moment.



Debt collection

Is the judicial officer empowered to proceed towards the collection of debts?

The judicial officer may proceed to the amicable collection of debts or to the collection of judgment debts. This is an ever-expanding activity.

Is it possible to contact a judicial officer directly for the purpose of collecting a debt?

Yes. One has to contact a judicial officer and hand over the relevant documents. The judicial officer shall take charge of the entire

debt collection. First, he will attempt an amicable settlement. In case of failure, he shall take steps to obtain a writ of execution and will ensure the enforcement thereof.

How much will it cost a creditor to arrange the collection of a debt?

In the context of an amicable collection, the judicial officer is at liberty to establish his fees with his client. Within the context of a judgment collection, the fees are fixed by rate scale.

Other areas of intervention

May the judicial officer arrange for sales by auction?

Yes, in the matter of sale of possessions. Within the context of an execution procedure, these sales may be voluntary or enforced.

May the judicial officer engage in formulating legal findings and observations, such as statements of facts?

Yes, but this activity is to be limited and carried out principally at a judge's request.

May the judicial officer represent the parties before the courts?

No, but it is the judicial officer who is charged with introducing the request for an enforcement to the competent judge.

Is the judicial officer entitled to offer legal advice?

The judicial officer is expected to counsel his client in the context of the enforcement procedure.

Is the judicial officer entitled to engage in other activities?

No.

