



MINISTRY OF PUBLIC ADMINISTRATION
AND JUSTICE

e-Justice in Hungary

Ferenc Zombor
Deputy State Secretary Responsible for EU
and
International Justice Cooperation



PRESENTATION OUTLINE

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- III. Electronic Procedures**
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I. Historic and Legal Background

1989: Change of the political system, fall of communism

- **Amendment to the Constitution (1989)** – anchors the right to the *protection of personal data and freedom of information*;
- **Data Protection Act (1992)**: Two rights, data protection and access to data of public interest are regulated in the same piece of legislation;
- These rights are supervised by a single supervisory authority, **the Parliamentary Commissioner for Data Protection and Freedom of Information (Ombudsman)** since **July 1st 1995**.



II. The Act on e-signature/1

- **Act XXXV. of 2001 on Electronic Signature**
The purpose of the Act is to create the legal conditions of authentic electronic declarations and of electronic data transfer in business life, in public administration and other circumstances of life related to information society.
- The government adopted **Government Resolution 1075/2000. (IX.13.) on the Regulatory Principles of the Act on Electronic Signature and the Measures Related thereto**, which provides for the preparation of the **Act on Electronic Signature** and for the most important rules thereof:



II. The Act on e-signature/2

The most important rules of the Act on e-signature:

1. The regulation must be technology neutral (apply to all electronic signatures regardless of the technology used in producing them);
2. The legal force of the electronic signature may not be denied on the grounds that it exists only in an electronic format;
3. The use of electronic signature may only be prohibited by an Act of Parliament in legal transactions related to such legal relations where the use of the electronic signature would prejudice legal certainty or the interest of the parties;
4. The use of electronic signature may not be made compulsory for the client.



III. Electronic Procedures

1. Regulation of Electronic Payment Procedures

With the new regulation – a new Act distinct from the Procedural Code (Act L of 2009) – the system is working from 1st July 2010.



III. Electronic Procedures

2. Order for electronic payment procedures

- In Hungary order for payment procedures fall under the competence of **notaries**;
- Every notary has competence over the whole territory of Hungary;

Claims may be presented:

- Orally
- On paper
- Electronically

Electronic claims may be submitted

- Directly, by entering data into the **system of National Chamber of Notaries**, with qualified electronic signature and time stamp.
- If data were not submitted electronically, **the notary enters data** into the system.
- Payment is possible by credit cards.



III. Electronic Procedures

3. Rules

- If claim is submitted electronically, the order for payment has to be issued within 3 days of the receipt;
- A pre-examination is done by the notary, before the issuance – if the deadline is missed, it is done by the system automatically;
- Orders are issued and posted centrally by the system of the National Chamber of Notaries, however, orders may be opposed electronically (within 15 days) by the defendant, in that case the court case begins, documents are sent to the court electronically by the notary;
- If no opposition is made, the order is enforceable;



III. Electronic Procedures

4. Company Registration Procedures/1

Characteristics:

- Falls under the competence of county courts;
- Only possible electronically, all documents attached are in electronic form;
- Both county courts and the Company Information and Electronic Court Registration Service of the Ministry are involved;
- All documents must be submitted with an advanced electronic signature and a time stamp;
- E-docs issued by courts are treated as electronic instruments - submission and forwarding to the court of registry is confirmed electronically;
- All documents are kept in electronic form;
- Responsibility of legal representative to convert any file not in electronic form into an electronic document and send it with qualified electronic signature;
- Technical aspects are examined by the Company Information Service of the Ministry;
- Decisions adopted during the procedure are also communicated in electronic form;



III. Electronic Procedures

5. Company Registration Procedures/2

On the site of the Service of Company Information and Electronic Company Registration of the Ministry of Public Administration and Justice access is free to data contained in the business register kept by the courts.

Anyone may have access to the following information (existing or cancelled):

- **Corporate registration number**
- **Name of company**
- **Head office**
- **Business facility(ies)**
- **Branch(es)**
- **Main activity**
- **Subscribed capital**
- **Tax number**
- **Whether bankruptcy or liquidation proceedings have been initiated**



IV. Information to Citizens

1. Registers of Experts and Mediators

- Both are available from the website of the Ministry of Public Administration and Justice, free of charge, completely public and administered by officials of the Ministry.
- Search for experts, expert companies, institutions on the basis of name, field of expertise, county, or for registration number, registry court .
- Search is possible for natural persons and legal persons on the basis of language skills, name and county of operation, or on the basis of name, abbreviated name, county.
- Application forms for registration in the registry are also available.

<http://szakertok.irm.gov.hu> <http://kozvetitok.irm.gov.hu>



IV. Information to Citizens

2. Land Registry

- At the moment only registered users can access the online services of the [Hungarian Land Registry](#) and data service is subject to a fee. The clients of the Government Portal can reach our limited data service free of charge. Within this service only descriptive data of the properties (the first part of a property sheet) are available. There is a possibility to search according to parcel number or according to property address.
- In general search is possible according to parcel number, parcel number interval, or property address.
- Users having special rights (police, tax authorities, court executor etc.): according to the name and personal data of the owner and/or entitled person.

TAKARNET is the electronic register form.

LAND OFFICES: www.foldhivatal.hu TAKARNET: www.takarnet.hu



IV. Information to Citizens

3. Hungarian Law Approximation Date Base/1

The Ministry of Public Administration and Justice employs a special Law Approximation Database (LAP data base) to support the overall legislative effort aimed at the transposition /implementation of EU Law.

The LAP data base is also used to:

- Keep track of eventual infringement procedures and resulting Hungarian legislative actions.
- Keep line ministries up to date on transposition related legislative progress and tasks ahead.
- Produce publicly available information on transposing national measures and related legislation.



IV. Information to Citizens

3. Hungarian Law Approximation Data Base/2

The LAP data base is designed to provide assistance in the following phases of the implementing legislative workflow:

- Plan and schedule national legislative actions deemed necessary for the transposition/implementation of EU legislation:
– **PLANNING PHASE**
- To track and monitor actual legislative processes required for the transposition/implementation of individual EU legal measures:
– **MONITORING PHASE**
- To register and archive links between EU and Hungarian legislation established by transposing national measures:
– **WIND DOWN / ARCHIVING PHASE**



V. Structure of the new Hungarian Government

1. Formation and Structure of the Government

At the 2010 Parliamentary elections in Hungary the Fidesz- KDNP coalition won a 2/3 majority. The Fidesz – Hungarian Civic Union and KDNP - Christian Democratic People's Party are conservative, centre-right political parties.

8 ministries were established:

- | | |
|--|-------------------------------------|
| 1. Ministry of Public Administration and Justice | 5. Ministry for National Economy |
| 2. Ministry of Home Affairs | 6. Ministry of National Resources |
| 3. Ministry of Defence | 7. Ministry of National Development |
| 4. Ministry for Foreign Affairs | 8. Ministry of Rural Development |



V. Structure of the new Hungarian Government

2. Structure of the Ministry of Public Administration and Justice

State Secretaries:

1. Minister of State for Public Administration and Justice
2. Administrative State Secretary
3. Minister of State for Justice
4. Minister of State for Territorial Public Administration and Elections
5. Minister of State for Government Communication
6. Minister of State for Social Inclusion
7. Minister of State for Church, National Minority and Civil Society Relations

There are three Deputy State Secretaries working on Justice issues:

- Deputy State Secretary for EU and International Justice Cooperation
- Deputy State Secretary for Justice and Private Law Legislation
- Deputy State Secretary for Public Law Legislation

There is one Deputy State Secretary working on e –Government issues:

- Deputy State Secretary for e-Government



VI. Ongoing projects in e-Government and e-Justice

1. **Priority project on the further development and modernisation of company court and company information systems;**
2. **Priority project on the modernisation of the registration and keeping of the records of civil society organisations;**
3. **Priority project on the digitalised legislative information system;**
4. **Project to ensure electronic administration in certain court proceedings;**
5. **Project on the electronic proceedings of public prosecutors;**
6. **Project to analyse the process of electronic publication of official journals;**

Within the Ministry of Public Administration and Justice the operation of the following systems is ensured:

- e-reporting system (system to process the balance sheet data of companies)
- register of judicial experts
- register of mediators dealing with the out-of-court settlement of civil law disputes
- electronic corpus of legal rules in force
- law approximation data base
- database of EU court cases



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Thank you for your attention!
