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# Practical Guide for EU, EEA and Swiss Lawyers on Service and Establishment

## HUNGARY

SEPTEMBER 2018

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*If an error is identified, please bring it to the attention of the CCBE which will correct it, where appropriate.*

Structure	Information received
<b>1. Establishment</b>	
1.1. Registration with Host Bar	<p>Register with the regional bar as <b>European community lawyer</b>, it is required to submit the following documents:</p> <ul style="list-style-type: none"><li>• a written application containing the address of the registered law office in Hungary, including all possible contact data</li><li>• a certificate authorizing the provision of legal services in the native country with a certified translation into Hungarian, this document issued within the previous three months (a certified copy of the lawyer's identity card or certificate)</li><li>• a document on insurance (insurance certificate) for liability for damage caused when providing legal services, including confirmation that this insurance applies to the activity of the established European community lawyer within the territory of Hungary or gives his prior consent in a written statement for the bar association to assert claims against the liability insurance company</li><li>• <b>Registration fees: 200.000HUF</b></li></ul> <p><a href="http://www.bpugyvedikamara.hu/wp-content/uploads/2013/02/Igazgat%C3%A1si-szolg%C3%A1ltat%C3%A1si-IM-d%C3%ADjrendelet-t%C3%A1bl%C3%A1zatos-%C3%B6sszefoglal%C3%B3ja-hat%C3%A1lyos-2018.-janu%C3%A1r-8.-t%C3%B3l.pdf">http://www.bpugyvedikamara.hu/wp-content/uploads/2013/02/Igazgat%C3%A1si-szolg%C3%A1ltat%C3%A1si-IM-d%C3%ADjrendelet-t%C3%A1bl%C3%A1zatos-%C3%B6sszefoglal%C3%B3ja-hat%C3%A1lyos-2018.-janu%C3%A1r-8.-t%C3%B3l.pdf</a></p> <ul style="list-style-type: none"><li>• <b>Membership fees:</b> 33,000HUF/ quarterly</li></ul> <p>According to the 13/2017 (XI.20.) Regulation of the Hungarian Bar Association</p> <p><a href="http://www.bpugyvedikamara.hu/jogszabalyok/">http://www.bpugyvedikamara.hu/jogszabalyok/</a></p>

	<p><a href="http://www.bpugyvedikamara.hu/wp-content/uploads/2013/02/Orsz%C3%A1gos-tagd%C3%ADjt%C3%A1bl%C3%A1zat-a-M%C3%9CK-13_2017.XI_20.-szab%C3%A1lyzata-alapj%C3%A1n.pdf">http://www.bpugyvedikamara.hu/wp-content/uploads/2013/02/Orsz%C3%A1gos-tagd%C3%ADjt%C3%A1bl%C3%A1zat-a-M%C3%9CK-13_2017.XI_20.-szab%C3%A1lyzata-alapj%C3%A1n.pdf</a></p> <ul style="list-style-type: none"> <li>• The link to the <b>registration form</b>: <a href="http://kozzetétel.bpugyvedikamara.hu/index.php/s/AcqsUS7Mo4BwHXY">http://kozzetétel.bpugyvedikamara.hu/index.php/s/AcqsUS7Mo4BwHXY</a></li> </ul> <p>EUROPEAN LAWYER APPLICATION FORM FOR ADMISSION (EN-HU Felvételi- Európai Közösségi Jogász) EMPLOYED EUROPEAN LAWYER APPLICATION FORM FOR ADMISSION (EN-HU Felvételi- Alkalmazott Európai Közösségi Jogász)</p> <p>Relevant national provision in reference to Article 3 Directive 98/5:</p> <ul style="list-style-type: none"> <li>- <b>Act No. LXXVIII of 2017 on the professional activities of attorney-at-law (the "Act")</b></li> <li>- Chapter XIV The European Community Lawyer Section 73-81.</li> </ul> <p>About the registration:</p> <ul style="list-style-type: none"> <li>- Section 74-76 of the Act and</li> <li>- 80. Specific rules of the registration procedure of European Community lawyers and salaried European Community lawyers</li> <li>- Section 176 of the Act</li> </ul>
1.2. Title	<p>You must practice under your home professional title which must be expressed in the official language and refer to your entry in the Register of European community lawyers in addition to the title.</p> <p>Relevant national provision in reference to Article 4 Directive 98/5.:</p> <ul style="list-style-type: none"> <li>- Section 77 (1) of the Act</li> </ul>
1.3. Salaried practice	<p>Employment as lawyer is only permitted to another lawyer or law firm. The in-house lawyers, who want to plead before the court are also the members of the regional bar since 01/01/2018. They are subject to the deontological rules of the host bar as well.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 79-81 of the Act</li> </ul>
1.4. Legal Form and Shareholding	<p>Must correspond with the core principles laid down for Hungarian lawyers: no MDPs, no ABSs and no participation of non-lawyers in joint practice. A European community lawyer can become a partner or shareholder in a law firm but only if he /she has been entered into the bar association's register.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 87-103 of the Act</li> <li>- Section 100 of the Act</li> </ul>
1.5. Joint Practice	<p>As group of lawyers permitted. European community lawyers who have been entered into the bar association's register are also entitled to found law firms and establish a membership relation in law firms. The rules pertaining to offices and law firms</p>

	<p>shall be duly applied.</p> <p>The Act specifies further the rules under which lawyers, law firms, EU legal counsels and foreign legal advisors may closely and permanently cooperate with each other under a common name and firm profile, without a formal merger (ügyvédi társulás és ügyvédi irodaközösség - lawyers' alliance and lawyers' cost sharing scheme).</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 87-103 of the Act</li> </ul>
1.6. Areas of Activity	<p>Representation of clients before all courts and administrative authorities. Advise in the law of home and host state and European and International law.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 78 (4) of the Act</li> <li>- Section 2-3 of the Act</li> </ul>
1.7. Practice Rules	<p>In those cases, in which legal regulation prescribes compulsory legal representation, European community lawyers may only provide such representation if he/she has concluded a collaboration contract with a lawyer or law firm for this purpose. If a European community lawyer proceeds for the first time before a court or other authority in representation of his client, he/she must produce a collaboration contract and, if it is not in Hungarian, a certified Hungarian translation thereof. If a collaboration contract terminates, the European community lawyers must report this fact immediately to the court and authority before which he/she previously verified the establishment of collaboration.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 77 (2)-(6) of the Act</li> </ul>
1.8. Principle of Double Deontology	<p>As established lawyer you are subject to the regulations not only by your home bar but also by your host bar.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 78 (1) of the Act</li> </ul>
1.9. Disciplinary proceedings	<p>The disciplinary power over the lawyers remains within the competence of the Bar for the first (local bar) and the second (HBA) instance procedures. However, the final decision of the HBA may be challenged before the court. The Act - for practical considerations - also provides rules on the formation of regional disciplinary bodies, which aim at easing the procedure of smaller territorial bar associations.</p> <p>The Act provides rules on the obligation of the bar to cooperate with other bar associations and law societies of the EU member states (mainly registration, de-listing, disciplinary and liability issues).</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 78 (4) of the Act</li> <li>- Section 107, 114 of the Act</li> </ul>

	<ul style="list-style-type: none"> <li>- Section 196 (2) of the Act</li> </ul>
1.10. Insurance (professional indemnity insurance, social security, etc.)	<p><b>Professional Indemnity Insurance:</b> a document on insurance (insurance certificate) for liability for damage caused when providing legal services, including confirmation that this insurance applies to the activity of the established European community lawyer within the territory of Hungary or gives his prior consent in a written statement for the bar association to assert claims against the liability insurance company.</p> <p>The Act provides rules on the obligation of the bar to cooperate with other bar associations and law societies of the EU member states (mainly registration, de-listing, disciplinary and liability issues).</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 15 of the Act</li> <li>- Section 196 (1) of the Act</li> </ul>
1.11. Fees	<p>Hungarian rules apply, in general lawyer and client can agree on a fee, the lawyer's fee shall be freely decided, however the agreement has to comply with civil and professional law.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 30 of the Act</li> </ul>
1.12. Continuing Legal Education	<p>Required from January 2018.</p> <p>The person practising the professional activities of an attorney-at-law shall improve his professional knowledge through self-directed learning and mandatory further training.</p> <p>The regional bar associations shall organise, implement, authorise and audit the mandatory further training of those entitled to perform the professional activities of attorneys-at-law.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 1 (4) of the Act</li> <li>- Section 161 (2)c of the Act</li> <li>- About the termination of the membership: Section 149 (1) and 177 (1) of the Act</li> </ul>
1.13. Bar	<p>By registration European community lawyer becomes the member of the regional bar and shall participate in its meetings with a voting right in the election of the various bodies.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 58 (4) of the Act</li> <li>- Section 162 (4) of the Act</li> </ul>
1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'	<ul style="list-style-type: none"> <li>• Effective Practice for three years, under certain circumstances the lawyer is invited to a discussion in order to verify whether he/she has sufficient practice with regard to Hungarian law and at the same time he/she can speak Hungarian.</li> </ul>

	<p>Section 58 (2)- (3) of the Act</p> <ul style="list-style-type: none"> <li>• Or: Aptitude Test</li> </ul>
<b>2. Services</b>	
<p>2.1. Under home title &amp; representation before courts</p>	<ul style="list-style-type: none"> <li>• Service under home professional title which must be expressed in the official language – before courts and administrative authorities</li> <li>• Courts and administrative authorities may require proof that you are lawyer in your home state</li> <li>• Before first rendering service in Hungary, the European community lawyer has to notify the Hungarian Bar Association in writing of his/her intention to carry out legal activities in advance, before his first assignment.</li> <li>• In exceptional cases, where any delay that may result from compliance with the advance notification requirement is likely to cause considerable injury to the client of the European community lawyer, the notice may be submitted on the next working day following the procedural step in question.</li> <li>• The regional bar can request to prove of your registration as lawyer in your home state / a European community lawyer identity card (translated into the Hungarian language).</li> <li>• In those cases, in which legal regulation prescribes compulsory legal representation, a visiting European community lawyers may only provide such representation if he has concluded a collaboration contract with an attorney or law firm for this purpose, this must be proven to the court in the first filing in order to hold it valid. A visiting European community lawyer must appoint a Hungarian lawyer, upon agreement with his client, as a consultant in procedural issues to be solved in the proceedings. It is required to appoint Hungarian lawyer as an agent to whom will the court or other bodies send all documents. This attorney is thus appointed solely for the purpose of service of the documents.</li> <li>• There is no registration fee for the notification process.</li> </ul> <p>About the registration:</p> <ul style="list-style-type: none"> <li>- 80. Specific rules of the registration procedure of European Community lawyers and salaried European Community lawyers</li> <li>- Section 74-76 of the Act</li> <li>- Section 176 of the Act</li> <li>- Section 77 (2) of the Act</li> </ul>
<p>2.2. Deontology</p>	<p>The visiting European community lawyer providing legal services in a host country shall observe professional rules of his home country, but he/she is subject to supervision of the host bar as well. The Hungarian legal regulations are applied as subsidiary rules. However, if the visiting European community lawyer provides legal services in representation of clients before courts and other bodies, he has the same rights and duties as a Hungarian lawyer and professional rules of his home country are applied as subsidiary rules.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 78 (2)-(3) of the Act</li> </ul>
<p>2.3. Fees</p>	<p>Hungarian rules apply, in general lawyer and client can agree on a fee, the lawyer's fee shall be freely decided. However, the agreement has to comply with civil and professional law.</p>

	<p>Relevant national provisions:</p> <ul style="list-style-type: none"> <li>- Section 30 of the Act</li> </ul>
<b>3. Acquisition of the national lawyer's title</b>	
3.1. Via Establishment Directive	See above point 1.14
3.2. Via Professional Qualification Directive	<p>Pass the aptitude test (or having a period of adaptation up to 3 years): see Articles 13-14 of Directive 2005/36 on recognition of professional qualifications</p> <p>Section 58 (2)-(3) of the Act</p> <p>The regional bar association shall, upon request, admit as an attorney-at-law any European community lawyer who has carried out the professional activities of an attorney-at-law in Hungary in connection with Hungarian law or the application of European Union law in Hungary for at least three uninterrupted years, and he/she is familiar with the Hungarian language at the level required to practice the professional activities of an attorney-at-law.</p> <p>In connection with the application, the EU community lawyer shall submit a written report listing and detailing his/her performed cases and has to take part at an oral test in Hungarian language at his own office, proving that he/she otherwise meets the conditions prescribed in the Act.</p> <p>No fees shall be charged by the bar for the on-site test.</p> <p>Exceptionally, the regional bar association may register the European community lawyer, as a host country local lawyer ("ügyvéd") registered in Hungary, if the practice of Hungarian law or the application of European law in Hungary is less than three years, provided that his/her practice in Hungary is at least three years and meets the general conditions provided for in the Act.</p>
<b>4. Practicalities</b>	
4.1. Practical information	<ul style="list-style-type: none"> <li>• You can find information on the court system, addresses, contacts and opening hours of all Hungarian courts at: <a href="http://birosag.hu/en/information/hungarian-judicial-system">http://birosag.hu/en/information/hungarian-judicial-system</a>, <a href="http://birosag.hu/en/regional-courts">http://birosag.hu/en/regional-courts</a></li> <li>• Once you find the appropriate courtroom, please wait outside. You will be invited in.</li> <li>• Before the Hungarian courts, lawyers are required to wear a gown in the courtroom.</li> <li>• As a lawyer for the plaintiff you and your client sit on the right side, as a lawyer for the defendant you and your client sit on the left side from the judge's point of view.</li> <li>• It is required to stand when the judge walks in. The same applies, when you are pleading before the court.</li> <li>• Contacts to and information on the organization of the Hungarian Bar are available: <a href="http://www.magyarugyvedikamara.hu/tart/index/1/1">http://www.magyarugyvedikamara.hu/tart/index/1/1</a> (in Hungarian),</li> </ul>

	<a href="http://www.magyarugyvedikamara.hu/tart/index/130/1">http://www.magyarugyvedikamara.hu/tart/index/130/1</a> (in English)
4.2. National organisation	<p>The Attorneys Act provides for the formation of the Hungarian Bar Association (in Hungarian: Magyar Ügyvédi Kamara or MÜK, „HBA”) and several regional bar associations whose area territory of jurisdiction corresponds with the relevant county court (or in Budapest, the Municipal Court). To date there are 20 regional bar associations in Hungary (each, an „RBA”).</p> <p>The HBA and the RBAs are autonomous self-governing public bodies, each having its elected officers and own budget. The HBA is vested with the duties to represent the legal profession vis-à-vis the government, exercise a general oversight over the RBAs, determine certain rules pertaining to the legal profession by issuing by-laws (such as the Rules of Professional Conduct and Ethics) and to review the decisions of the RBA relative to disciplinary measures.</p> <p>In addition, RBAs administer the lawyers’ admission to and dismissal from the legal profession by keeping the roll of attorneys, salaried attorneys and junior attorney-at-law and administering the disciplinary court.</p> <p>According to the Attorneys Act the justice minister in charge of the judicial system shall oversee the operations of the regional bar associations and the Hungarian Bar Association. He/she shall, within the scope of his oversight authority, oversee the statutes, rules and regulations, directives and decisions of the bar associations; he/she shall also oversee their operations as to whether they are in compliance with legal regulation, the statutes and the rules and regulations.</p>
4.3. Reference to national legislation with other languages available + links	<p>The Code of Ethics applicable in Hungary has already coordinated with the CCBE and implemented the CCBE's Code of Ethics. Following Hungary's accession to the EU, and upon the challenge by the Competition Authority, the rules on promotion and advertisement activities permitted to be carried out by lawyers and law firms have been further specified. Generally speaking, such rules are in full compliance with applicable EU rules and practice, more specifically the rules on fair market practices regulated by the Services Directive.</p> <p><b>Act No. LXXVIII of 2017 on the professional activities of attorney-at-law (the "Act"):</b></p> <p>in Hungarian: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=202607.340105">http://njt.hu/cgi_bin/njt_doc.cgi?docid=202607.340105</a></p> <p>in English: <a href="http://njt.hu/translated/doc/J2017T0078P_20180101_FIN.pdf">http://njt.hu/translated/doc/J2017T0078P_20180101_FIN.pdf</a></p> <p><b>Re the professional titles of the European community lawyers:</b></p> <p><a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=109308.348550">http://njt.hu/cgi_bin/njt_doc.cgi?docid=109308.348550</a></p> <p><b>Re the Code of Ethics: Regulation of HBA 6/2018. (III.26.)</b> <a href="http://www.magyarugyvedikamara.hu/tart/farticle/18/73/1">http://www.magyarugyvedikamara.hu/tart/farticle/18/73/1</a></p>
4.4. Reference to existing national guides	<p><b>Re ID card for lawyers:</b> <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=205511.346992">http://njt.hu/cgi_bin/njt_doc.cgi?docid=205511.346992</a></p> <p><b>Re Statutes of the HBA:</b></p> <p><a href="http://www.bpsygyvedikamara.hu/wp-content/uploads/2013/02/A-Magyar-%C3%9Cgyv%C3%A9di-Kamara-Alapszab%C3%A1lya.pdf">http://www.bpsygyvedikamara.hu/wp-content/uploads/2013/02/A-Magyar-%C3%9Cgyv%C3%A9di-Kamara-Alapszab%C3%A1lya.pdf</a></p>
4.5. Reference to services available for lawyers in that jurisdiction	<p>The EU, EEA or Swiss lawyers in a host Member State have access to services of the Order under the same conditions as national lawyers (including access to the electronic services).</p>
4.6. Contact	<p>National Contact point the EU, EEA or Swiss lawyer should contact for information at national level :</p>

information

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