https://doi.org/10.22364/iscflul.10.17

Viktoria Harsagi, *Dr., Professor*
Pazmany Peter Catholic University, Budapest, Hungary

THE HUNGARIAN SYSTEM OF COLLECTIVE REDRESS AFTER RAD

Key words: collective redress, consumer protection, Hungary, representative actions, RAD

Summary
The paper presents the development of collective redress in Hungary. The issue of representative action is given great emphasis, especially how the RAD has been implemented and what cases have already been brought before Hungarian courts based on the new law.

Introduction

The aim of the paper is to present, within the context of the development history of collective redress, how representative action was incorporated into the Hungarian consumer protection and the collective redress system. The study particularly addresses the implementation of the RAD and the cases that have already been brought before Hungarian courts based on the new regulation. The author analyses the topic using historical and systematic methods, and also touches on the existing judicial practice.

1. Situation before the new Hungarian Code of Civil Procedure

Prior to the entry into force of the new Hungarian Code of Civil Procedure (1 January 2018), multi-party litigation in Hungary was for a long time characterized by the application of sporadic and typically sectoral regulation, which meant that regulation covered only specific areas of law, such as consumer protection, equal opportunity, equal treatment, competition law, environmental protection, animal welfare and protection against unfair standard contract terms and conditions.

Moreover, it did not take the form of class actions or group litigation in the sense applied in the common law countries or in other European Union

countries, but was merely an *actio popularis*. In the forms of public interest litigation at that time, principally the following persons, organisations and authorities could bring a case before the courts: public prosecutors, NGOs, private interest groups, ministers, town clerks and other authorities (e.g. the Hungarian Competition Authority).[1] A major change was brought in 2013 by an Act that guarantees for the Hungarian National Bank the right to bring an action to enforce the civil law claims of consumers.[2]

Consequently, before the new Code of Civil Procedure (HCCP) in 2018, collective redress mechanisms in Hungary were limited to a certain narrow area. In addition to this, the joinder of parties or joinder of actions could provide a solution for the enforcement of claims, or there was the possibility of resorting to the substantive legal instrument of assignment.[3] However, these solutions may also give rise to numerous difficulties that may hinder collective claim enforcement.

The experiences of the past decades (the rather serious environmental pollution cases and the increasing number of consumer protection problems) urged Hungarian specialists as well to reconsider the adequacy of the present legal regulations regarding collective redress.[4] Although regulation has become differentiated and its scope has also changed slightly, the objective scope of

---

[1] Aleku M. A Pp. jogalkalmazoi tapasztalatai – egy specialis perbeli resztvevo szemszogebol [Experiences of legal practitioners on the Code of Civil Procedure – from the perspective of a special litigant]. Eljarasjogi Szemle [Procedural Law Review], No. 3, 2018, pp. 5–8; Gelencser D. Kozerdeku igenyervenyesites Magyarorszagon I. – a gyakorlat szemszogebol [Public interest claims enforcement in Hungary I. – from a practical perspective]. Eljarasjogi Szemle, No. 3, 2016, pp. 31–45; Gelencser D. Kozerdeku igenyervenyesites Magyarorszagon II. – a gyakorlat szemszogebol [Public interest claims enforcement in Hungary II. – from a practical perspective]. Eljarasjogi Szemle [Procedural Law Review], No. 4, 2016, pp. 25–37; Kengyel M., Harsagi V. Hungary – Civil Law. In: Eliantonio M. et al. (eds.). Standing up for Your Right(s) in Europe. A Comparative Study on Legal Standing (Locus Standi) before the EU and Member State Courts. Cambridge/Antwerp/Portland: Intersentia, 2013, p. 332; Harsagi V. The Need for Further Development of Collective Redress in Hungary. In: Harsagi V., van Rhee C. H. (eds.). Multi-party Redress Mechanisms in Europe: Squeaking Mice? Cambridge-Antwerp-Portland: Intersentia, 2014, pp. 172–173.

[2] Harsagi V. Kollektiver Rechtsschutz – Ungarn und der Einfluss der Europaeischen Entwicklung [Collective redress – Hungary and the influence of European developments]. In: Schulze G. (ed.). Europaeisches Privatrecht in Vielfalt geeint – Der modernisierte Zivilprozess in Europa / Droit prive europeen: l'unite dans la diversite – Le proces civil modernise en Europe [European private law united in diversity – The modernized civil procedure in Europe]. Muenchen: Sellier, 2014, pp. 221–223.

[3] Nagy Cs. I. A csoportos igenyervenyesites lehetosegei es gazdasagtana a magyar jogban [The possibilities and economics of group litigation in Hungarian law]. Jogtudomanyi Kozlony [Legal Journal], No. 3, 2011, pp. 163–174.

[4] Cf. Udvary S. Pro actione collectiva. Budapest: Patrocinium, 2015; Harsagi V. The Need for Further Development of Collective Redress in Hungary. In: Harsagi V., van Rhee C. H. (eds.). Multi-party Redress Mechanisms in Europe: Squeaking Mice? Cambridge: Intersentia, 2014, pp. 171–185; Harsagi V. Deficiencies of collective redress in Hungary and recommendations for codification. In: Fankhauser R., Widmer Luchinger C., Klinger R., Seiler B. (eds.). Das Zivilrecht und seine Durchsetzung. Zurich: Schulthess Juristische Medien AG, 2016, pp. 201–215; Harsagi V. Quo Vadis Collective Redress? Hungarian Aspects. In: Festschrift fuer Professor Nikolaos K. Klamaris – Essays in Honour of Professor Nikolaos K. Klamaris. Athens; Thessaloniki: Sakkoulas Publications, 2016, pp. 343–355.

the current system of rules relating to coordinated actions is also restricted. Therefore, the regulation retains its sectoral nature for the future, as well.

During the codification of Hungarian procedural law, which started in 2013,[5] Working Committee No. 3 on the codification of civil procedural law named "Parties and Other Persons Involved in the Action, Collective and Public Interest Claims" and headed by the author – established pursuant to Government Decision No. 1267/2013. (V. 17.) on the codification of civil procedural law – drew up its detailed recommendations concerning collective redress (as part of the Expert Proposal[6] submitted to the Minister of Justice on 30 October 2015).[7] The proposal elaborated by the Working Committee, applying a more sophisticated approach, chose the solution regarded rather rare even in Europe to amalgamate the two models (the opt-in and opt-out models), based on which the system of actions brought in the public interest would be supplemented by two types of procedure. Finally, it was not the above solution that was submitted to the Parliament, but a lot more restrained version elaborated in the Ministry of Justice with unprecedented swiftness, which resembles the proposals of the expert committee only in traces and completely differs from the proposed version with regard to its core concept. Therefore, the system of rules intended to be introduced in the wake of this in the new Code of Civil Procedure (Act CXXX of 2016) adopted in 2017 and entered into force in 2018 is also characterized by a limited objective scope, consequently, the sectoral character has been preserved with regard to the future, as well.

2. The new Code of Civil Procedure (HCCP): Updating the rules of *actio popularis* and introducing a new mechanism

In the field of *actio popularis*, the new HCCP – following the Expert Proposal[8] – merely undertook to elaborate the general rules, however, it left

[5] Varga I. Identification of Civil Procedure Regulatory Needs with a Comparative View, ELTE Law Journal, No. 1, 2014, pp. 135–163; Varga I., Mernyei A. The Initial Steps Towards the New Code of Civil Procedure in Hungary, International Journal of Procedural Law, Vol. 4, No. 2, 2014, pp. 1–4.

[6] Varga I., Eless T. (eds.). A polgari perjogi kodifikaciorol szolo 1267/2013. (V.17.) Korm. hatarozat altal elkesziteni rendelt munkabizottsagi szakertoi javaslat normaszoveg- es indokolas tervezete [Draft of the norm and explanatory statement elaborated by the working committee in its expert proposal commissioned by Government Decision No. 1267/2013 (V.17.) Korm. on the codification of civil procedural law] (30 October 2015).

[7] Harsagi V. Combining Opt-in and Opt-out Systems? Expert Proposal for the Hungarian Regulation of Collective Redress. ELTE Law Journal, No. 2, 2016, pp. 25–52.

[8] Harsagi V. Kollektiv igenyervenyesites – Altalanos indokolas a kollektiv igenyervenyesiteshez [Collective redress – General justification for collective redress]. In: Varga I., Eless T. (eds.). Szakertoi Javaslat az uj polgari perrendtartas kodifikaciojara [Expert Proposal for the codification of the new Code of Civil Procedure]. Budapest: HVG-Orac, 2016, pp. 753–754.

the existing sectoral regulatory system in a basically intact form.[9] It lays down common procedural rules relating to the earlier rules of the so-called public interest lawsuit (*actio popularis*) that used to exist already earlier, but typically in a scattered and uncoordinated form, and consolidates them, thereby providing them with a framework and alleviating the task of the applier of the law, by reducing to some extent the existing scattered and confusing character of the regulation. On the other hand, another chapter (XLIII) of the HCCP contains the new rules of coordinated actions that are to be introduced and may serve as an instrument for the enforcement of aggregated private interests.

Public interest litigation in Hungary has several subtypes, but they all share the common characteristic that filing this kind of action is possible only on the basis of statutory authorization; therefore, only organisations and persons specified by law are entitled to bring such an action. The person authorised to file a public interest action does not sue for her or his own benefit. The law lays down the violation of which rights and the enforcement of which claims may give rise to the institution of a public interest action.[10]

The single sentence of Section 571 of the HCCP does not provide a definition for public interest actions. According to the explanatory notes to the bill, the absence of such a definition may be traced back to fact that the authorization to bring an action is of "wide-ranging character" (extends to numerous areas of law), due to which it is not expedient to create a uniform definition. According to the summary contained in the explanatory notes, the wide-ranging character may be seized in the following: on the one hand, the circle of those authorized to bring an action may be rather diverse, and on the other hand, public interest actions include such actions "that are aimed at a declaratory judgment or the development of the law, while others – based on authorization granted by statute – may be suitable even to enforce monetary claims."

The coordinated action introduced by the new HCCP is of opt-in character, also having regard to Commission Recommendation 2013/396/EU (11 June 2013). In this respect (but not with regard to the details, cf. Chapter II entitled "Evaluation of the regulatory system of coordinated actions") and in defining a minimum threshold for the number of claimants, it has followed those contained in the Expert Proposal,[11] in other words, the Act prescribes a group consisting of minimum ten claimants. The essence of the new action is best expressed

---

[9] Cf. Udvary S. Kozerdekbol inditott per [Public interest litigation]. In: Wopera Z. (ed.). Kommentar a polgari perrendtartasrol szolo 2016. evi CXXX. torvenyhez [Commentary on Act CXXX of 2016 on the Code of Civil Procedure]. Budapest: Magyar Kozlony Lap- es Konyvkiado Kft. [Hungarian Gazette Newspaper and Book Publishing House Ltd.], 2017, pp. 879–880.

[10] Kecskes L., Wallacher L. A csoportos jogervenyesites formai a valasztottbiraskodas kereteben a magyar jogban [Forms of group legal enforcement within the framework of arbitration in Hungarian law]. In: Kecskes L., Lukacs J. (eds.). A valasztottbirok konyve [The Book of Arbitrators]. Budapest: HVG-Orac, 2012, p. 283.

[11] Harsagi V. Tarsult perles [Coordinated Actions]. In: Varga I., Eless T. (eds.). Szakertoi Javaslat az uj polgari perrendtartas kodifikaciojara [Expert Proposal for the codification of the new Code of Civil Procedure]. Budapest: HVG-Orac, 2016, pp. 766–783.

in the provisions of Section 583 of the HCCP: at least ten or more claimants may enforce one or several rights the content of which is identical regarding all claimants ("representative right") in a coordinated action, provided that the facts underlying the representative right are the same as to substance with respect to all claimants ("representative facts") and the court permits bringing a coordinated action.[12]

In the coordinated action elaborated by the legislator the members of the group are easily identifiable individually (their persons are specified). Individual claim enforcement, however, does not utilize the resources of the court system with due effectiveness, therefore it is reasonable to deal with these claims in the frames of one procedure. As a result, a decrease is expected, for example, in the costs of evidence. According to the general explanation to Bill No. T/11900 on the Code of Civil Procedure, coordinated actions have been designed for cases "where intervention by public authority (e.g. prosecutor, authorities) is not justified by a public interest, but because of the large number and similarity of the claims collective adjudication of the claims provides benefits regarding efficiency."[13] A coordinated action is basically distinguished from a joinder of parties by the fact that the claimants quasi waive their right to designate an individual legal representative or participate in the trial or carry out procedural acts individually. The group formed this way has one representative, "it speaks with one voice". The essence of the coordinated action lies in "gathering into a bunch" and coordinating the cases.

The group is formed based on the opt-in system, in other words, a claimant may only become a member of the group based on his or her express declaration to that effect. It is up to each party concerned to decide whether to enter the coordinated action. Adjudication in the frames of a coordinated action takes place upon application, there is no possibility for ex officio classification as a coordinated action or for joining individual cases to the coordinated action.

According to the explanatory notes to the Bill, "while in the *actio popularis* the action is brought without a decision to this effect by the holder of the substantive right (which is substantially justified by the fact that bringing the action primarily serves a significant public interest), the coordinated action achieves the purpose of procedural economy while the parties' right of disposition is fully maintained."[14]

Although it is the representative claimant's privilege to initiate classification as a coordinated action, it is the court that must decide on the question of permitting the coordinated action, therefore it is the court that makes the final decision on

---

[12] Udvary S. Tarsult per [Coordinated Actions]. In: Wopera Z. (ed.). Kommentar a polgari perrendtartasrol szolo 2016. evi CXXX. torvenyhez [Commentary on Act CXXX of 2016 on the Code of Civil Procedure]. Budapest: Magyar Kozlony Lap- es Konyvkiado Kft. [Hungarian Gazette Newspaper and Book Publishing House Ltd.], 2017, pp. 889–893.

[13] III. "Az uj torvenyi szabalyozas legfontosabb ujitasai" c. (III. sz.) fejezetenek 9. pontja [Point 9 of Chapter (III) entitled "The Most Important Innovations of the New Statutory Regulation"].

[14] T/11900. szamu torvenyjavaslat indokolasa (2016 szeptember) Altalanos indokolas "Az uj torvenyi szabalyozas legfontosabb ujitasai" c. (III. sz.) fejezetenek 9. pontja [Explanatory Notes to Bill No. T/11900 (September 2016) General Explanation, Point 9 of Chapter (III) entitled "The Most Important Innovations of the New Statutory Regulation"].

classification. Although group members may be considered parties to the action, their procedural rights are limited. Regardless of the number of individuals involved in the coordinated action, each procedural act is to be completed only once during the action, which serves not only the interests of the claimants, but also those of the defendant.

At least ten or more claimants may enforce one or several rights the content of which is identical regarding all claimants ("representative right") in a coordinated action, provided that the facts underlying the representative right are the same as to substance with respect to all claimants ("representative facts") and the court permits bringing a coordinated action. A coordinated action may only be brought in the following cases: *a)* for the purpose of enforcement of claims arising from consumer contracts; *b)* in labour disputes; or *c)* for the enforcement of financial claims or damages stemming from health impairment resulting directly from unforeseeable environmental pollution caused by human acts or omissions. [HCCP, Section 583]. One is to regard as a consumer any natural person acting for purposes which are outside his trade, business or profession [HCCP, Section 7(5); Hungarian Civil Code, Section 8:1(1)].

The aim of opt-in type procedures would be – based on the foreign experiences – to ensure a fast, effective and proportional method for the resolution of cases where the extent of the individual damage is so large that it would justify bringing an individual action but due to the number of claimants and the nature of arising questions of law and fact these cases cannot be managed satisfactorily within the frames of individual lawsuits. However, on review of the objective scope of coordinated actions it may be concluded that while in the case of claims stemming from health impairment related to work or resulting directly from environmental pollution an opt-in system may be effective due to the above, in the majority of consumer cases – owing to the lack of incentive – the coordinated action, foreseeably, will not provide a satisfactory procedural framework.

Bill No. T/11900 in its original form (September 2016) restricted the objective scope to the enforcement of claims stemming from a consumer contract and to labour disputes specified in Chapter XXXIX of the Bill. In the text of the Act one may witness a significant expansion of the objective scope, which expansion may be welcomed, but probably it will not be sufficient. For that matter, this change resulted from modifying proposals from the Commissioner of Fundamental Rights and from the Deputy-Commissioner for Fundamental Rights and Ombudsman for Future Generations. Thus, the objective scope of the regulation adopted extends to a specific group of claims resulting from environmental pollution, but unfortunately, even after these changes it still does not cover all areas that would require regulation.[15]

In the explanatory notes to Sections 583–585 of Bill No. T/11900, the legislator explains the limited objective scope as follows: "The Bill does not render it possible to enforce rights in a coordinated action in all cases, only in

[15] Udvary 2017, (see fn. 12), pp. 892–893.

the case of legal disputes relating to consumer contracts and labour disputes. This limited scope is explained by the fact that typically it is in consumer and labour disputes that rights protection could be prevented without the benefits of efficiency ensured by collective redress, since probably no individual lawsuit would be brought." This reasoning is not really consistent (especially if compared with the later expansion of objective scope), since the types of cases falling within this scope may be rather diverse with regard to the value of the individual claims, they show no homogeneity in this regard, therefore they cannot be dealt with uniformly.

3. The system after RAD

The Act CLV of 1997 on Consumer Protection introduced a new chapter "Representative actions for the protection of the collective interests of consumers" (§38). The conditions imposed on the qualified entities essentially repeat those set out in RAD. The Minister responsible for consumer protection shall decide on the designation as a qualified entity. The following shall be entitled to bring a domestic representative action under this Act:

a) the consumer protection authority,
b) the public prosecutor,
c) the National Bank of Hungary, and
d) any central government administrative body, (autonomous state administrative body and independent regulatory body) whose tasks include the protection of consumer rights (based on the provisions of RAD).

Upon request of the given entity, the entity may be designated as a qualified entity on a case-by-case basis to initiate a specific domestic representative action (if the entity meets the conditions for designation as a qualified entity as provided for in the Consumer Protection Act). Qualified entities designated in advance in another Member State may bring a cross-border representative action before the Hungarian courts.

Qualified entities shall be entitled to initiate the following measures:

a) measures aimed at terminating the infringement; and
b) measures aimed at remedying the infringement.

The qualified entity may also initiate that the undertaking ensure the appropriate publicity of the court's decision on the merits by publishing a notice at its own expense. The court shall decide on the text of the notice and the manner of publication. Publication shall be understood as publication in a national daily newspaper and via the internet.

A lawsuit initiated on the basis of a representative action shall be conducted in accordance with the rules of the Civil Procedure Code concerning lawsuits initiated in the public interest (*actio popularis*). No lawsuit shall be initiated after the expiry of three years from the occurrence of the infringement – or if a shorter period of limitation for civil claims of consumers is established by law.

In their action, the qualified entities may also request the following as measures to terminate the infringement:

a) a court finding that the infringement has occurred, and
b) the cessation of the infringing practice and the prohibition of the infringer from further infringement.

The qualified entity shall not be obliged to prove, in order to support the application for an injunction to terminate the infringement:

a) the actual disadvantage or damage suffered by the individual consumers affected by the infringement; and
b) the imputability of the conduct demonstrated by the undertaking.

The qualified entity may only bring a representative action for an injunction to terminate the infringement if it has previously consulted with the enterprise. If the enterprise fails to terminate the infringement within fourteen days of receipt of the request for conciliation, the qualified entity may bring a representative action. If conciliation is unsuccessful and the qualified entity brings a representative action, it must attach to the claim a document on the attempt at conciliation and its delivery, with which it certifies that it attempted conciliation.

If the consumer does not have a habitual residence in Hungary, the *res judicata* effect of a judgment issued in a lawsuit initiated in the public interest shall only extend to this consumer if he expressly declares this with regard to the given representative action.

The *res judicata* effect of a claim adjudicated on the basis of a representative action shall not affect the consumer's right to enforce a claim that he is entitled to on other legal grounds but that is not the subject of the adjudicated representative action.

If the court's judgment, in addition to establishing the fact of the infringement, also obliges the enterprise to fulfil a specific claim, the enterprise shall be obliged to satisfy the claim of the consumer belonging to the affected group of entitled persons according to the judgment in accordance with the judgment. In the absence of voluntary fulfilment, the entitled consumer may request the enforcement of the judgment in court. The court shall examine the consumer's entitlement in the procedure for issuing the enforcement order based on the conditions specified in the judgment.

If a representative action for redress is financed by a third party, it must be ensured that the financing by a third party with an economic interest in the initiation of the representative action for redress or in the outcome of the proceedings initiated by the representative action does not influence the proceedings other than the protection of the collective interests of consumers. For the purposes:

a) decisions taken by qualified entities in the framework of the proceedings initiated by the representative action, including decisions on settlements, shall not be unduly influenced by a third party in a manner detrimental to the collective interests of consumers affected by the representative action;

b) a representative action may not be brought against an enterprise that is a competitor of the provider of the financing or against an enterprise with which the provider is in a dependent relationship.

The qualified entities shall submit a financial overview to the Minister responsible for consumer protection, listing the financial resources used to support the representative action.

The Minister responsible for consumer protection may, on the basis of his/her examination, oblige the qualified entity concerned to refuse or change the financing in the given case or may withdraw the qualified entity's right to bring an action in respect of the given representative action. The Minister responsible for consumer protection shall communicate this decision to the court.

The refusal of the qualified entity's right to bring an action in respect of a specific representative action shall not affect the consumer's right to assert individual claims.

The qualified entities shall provide information on their websites:

a) about the representative actions and public interest actions that they have decided to bring before the court;
b) the status of the proceedings initiated; and
c) the outcome of the proceedings.

The Minister responsible for consumer protection shall provide general information on the website of the consumer protection authority on ongoing and adjudicated representative actions.

4. Case law related to RAD

4.1. Case Alza[16]

In this case the plaintiff (the public prosecutor) filed a lawsuit against the defendant (Alza.hu Kft.), in the Budapest Metropolitan Court in order to protect the collective interests of consumers. The defendant provided consumers with on-site collection of products ordered in its online store operated under the name alza.hu on the website https://www.alza.hu/ and in its stores. According to the defendant's general terms and conditions, the consumer is obliged to pay a delivery fee depending on the weight for the personal collection of the ordered goods in the store. The only exception to this is if the consumer orders goods that are otherwise available in the store at the place of collection. If the product is not available at the given collection point and the defendant transports it from another warehouse to the collection store, the consumer must pay the delivery fee. According to the plaintiff, the defendant's procedure is unfair because the consumer can only obtain the product at the defendant's registered office or

[16] Fovarosi Torvenyszek [Metropolitan Court of Budapest], 19.G.42.845/2023.

premises if, in addition to the purchase price of the product, he or she also pays the shipping costs that would otherwise be borne by the defendant.

The prosecutor requested the defendant to be ordered as a measure to terminate the infringement to cease its infringing practice and to bear the cost of delivery to the store in the event of personal product collection in the future and to prohibit the defendant from charging for delivery costs in the event of personal product collection in its stores, and as a measure to remedy the infringement to be ordered by the defendant to refund the service that was not provided, i.e. the amount paid by the consumer for the personal product collection, to those consumers who paid the unlawfully charged fee from 28 July 2023 and who prove this in the manner specified in the judgment. The plaintiff requested the defendant to be ordered to publish a notice in the event of a judgment obligation. The prosecutor filed this claim on 7 December 2023 at the Metropolitan Court. The prosecutor's claim was rejected by the court, against which the prosecutor appealed. The prosecutor's claim was rejected by the second-instance court with finality, against which the prosecutor filed a request for review before the Curia (Supreme Court).[17]

4.2. Case Magyar Cinema[18]

The plaintiff (the public prosecutor) brought an action against the defendant (I.T. Magyar Cinema Moziuzemelteto es Filmforgalmazo Kft.) before the Metropolitan Court in order to protect the collective interests of consumers. The defendant is a business company engaged in the business of screening films, which sells its cinema tickets not only at its ticket offices and vending machines, but also online.

In the case of online purchases, the defendant charges consumers a "convenience fee" of 120 Hungarian forints (ca. 0.30 euro) per ticket in addition to the ticket price. According to the case law of the ECJ, a condition requiring the consumer to pay a fee related to the conclusion of a contract is contrary to the requirement of good faith if it creates a significant inequality in the rights and obligations of the parties, because the fee is not the consideration for the service actually provided and the costs incurred in connection with it. According to the plaintiff's position, the sale of one's own ticket is part of the conclusion of the contract, as the consumer is entitled to watch only the screening in exchange for the ticket. The defendant makes the ticket available to the consumer after payment of the purchase price, therefore payment of the purchase price and receipt of the ticket are necessary components of the purchase of a cinema ticket. Ticket sales on the Internet, i.e. online contract conclusion, do not include any additional services, but are only one of the special ways of concluding a contract. Therefore,

[17] The official website of the Prosecutor's Office publishes the lawsuits initiated by the prosecutors. The status of the cases can be found here, provided for law researchers and practitioners. This information is available in Hungarian here: https://ugyeszseg.hu/allampolgaroknak/ugyintezes/fogyasztovedelem/fogyasztovedelmi-keresetek/ [last viewed 16.03.2026].

[18] Fovarosi Torvenyszek [Metropolitan Court of Budapest], 19.G.40.266/2024/2023.

charging a separate cost, i.e. a convenience fee, when providing one's own service, i.e. online ticket sales, is unfair.

In its action, the plaintiff requests that the defendant be ordered as a measure to terminate the infringement to cease its infringing practice and to refrain from applying the convenience fee payable by consumers when purchasing tickets online, to prohibit the defendant from applying the convenience fee payable by consumers when purchasing tickets online and as a measure to remedy the infringement to order the defendant to refund the amount paid by consumers as a convenience fee when purchasing tickets online from 7 November 2023 to those consumers who have paid the unlawfully charged fee and who prove this in the manner specified in the judgment. The plaintiff also requested that the defendant be ordered to publish a notice in the event of an injunction.

The public prosecutor filed the action on 2 February 2024. The prosecutor-plaintiff's claim was rejected by the court, against which the public prosecutor appealed. The second-instance court rejected the claim with finality, against which the plaintiff filed a review application addressed to the Curia. The plaintiff's review application filed against the final judgment rejecting the claim was rejected by the Curia. The prosecutor-plaintiff filed a complaint of legal uniformity with the Curia against the ruling.[19]

Conclusions

The Directive on Representative Actions did not bring about a revolutionary change in the legal environment in Hungary. In essence, it did not introduce a new procedure. The legislator placed it within the framework of the already existing *actio popularis*, which technically happened by almost literally incorporating the text of the Directive into the Hungarian Consumer Protection Act and supplementing it with some detailed rules. As for practice, two cases were initiated by prosecutors, but both proved unsuccessful because the courts rejected them.

BIBLIOGRAPHY

Literature

1. Aleku M. A Pp. jogalkalmazoi tapasztalatai – egy specialis perbeli resztvevo szemszogebol [Experiences of legal practitioners on the Code of Civil Procedure – from the perspective of a special litigant]. Eljarasjogi Szemle [Procedural Law Review], No. 3, 2018, pp. 1–8.
2. Gelencser D. Kozerdeku igenyervenyesites Magyarorszagon I. – a gyakorlat szemszogebol [Public interest claims enforcement in Hungary I. – from a practical perspective]. Eljarasjogi Szemle, No. 3, 2016, pp. 31–45.

[19] Fovarosi Torvenyszek [Metropolitan Court of Budapest], 19.G.40.266/2024/2023.

3. Gelencser D. Kozerdeku igenyervenyesites Magyarorszagon II – a gyakorlat szemszogebol [Public interest claims enforcement in Hungary II – from a practical perspective]. Eljarasjogi Szemle [Procedural Law Review], No. 4, 2016, pp. 25–37.
4. Harsagi V. The Need for Further Development of Collective Redress in Hungary. In: Harsagi V., van Rhee C. H. (eds.). Multi-party Redress Mechanisms in Europe: Squeaking Mice? Cambridge-Antwerp-Portland: Intersentia, 2014, pp. 171–185.
5. Harsagi V. Kollektiver Rechtsschutz – Ungarn und der Einfluss der Europaeischen Entwicklung [Collective redress – Hungary and the influence of European developments]. In: Schulze G. (ed.). Europaeisches Privatrecht in Vielfalt geeint – Der modernisierte Zivilprozess in Europa / Droit prive europeen: l'unite dans la diversite – Le proces civil modernise en Europe [European private law united in diversity – The modernized civil procedure in Europe]. Muenchen: Sellier, 2014, pp. 221–237.
6. Harsagi V. Deficiencies of collective redress in Hungary and recommendations for codification. In: Fankhauser R., Widmer Luchinger C., Klinger R., Seiler B. (eds.). Das Zivilrecht und seine Durchsetzung. Zurich: Schulthess Juristische Medien AG, 2016, pp. 201–215.
7. Harsagi V. Quo Vadis Collective Redress? Hungarian Aspects. In: Festschrift fuer Professor Nikolaos K. Klamaris, Essays in Honour of Professor Nikolaos K. Klamaris. Athens; Thessaloniki: Sakkoulas Publications, 2016, pp. 343–355.
8. Harsagi V. Combining Opt-in and Opt-out Systems? Expert Proposal for the Hungarian Regulation of Collective Redress. ELTE Law Journal, No. 2, 2016, pp. 25–52.
9. Harsagi V. Kollektiv igenyervenyesites – Altalanos indokolas a kollektiv igenyervenyesiteshez [Collective redress – General justification for collective redress]. In: Varga I., Eless T. (eds.). Szakertoi Javaslat az uj polgari perrendtartas kodifikaciojara [Expert Proposal for the codification of the new Code of Civil Procedure]. Budapest: HVG-Orac, 2016, pp. 751–754.
10. Harsagi V. Tarsult perles [Coordinated Actions]. In: Varga I., Eless T. (eds.). Szakertoi Javaslat az uj polgari perrendtartas kodifikaciojara [Expert Proposal for the codification of the new Code of Civil Procedure]. Budapest: HVG-Orac, 2016, pp. 766–783.
11. Kecskes L., Wallacher L. A csoportos jogervenyesites formai a valasztottbiraskodas kereteben a magyar jogban [Forms of group legal enforcement within the framework of arbitration in Hungarian law]. In: Kecskes L., Lukacs J. (eds.). A valasztottbirok konyve [The Book of Arbitrators]. Budapest: HVG-Orac, 2012, pp. 283–295.
12. Kengyel M., Harsagi V. Hungary – Civil Law. In: Eliantonio M. et al. (eds.). Standing up for Your Right(s) in Europe. A Comparative Study on Legal Standing (Locus Standi) before the EU and Member State Courts. Cambridge/Antwerp/Portland: Intersentia, 2013, pp. 322–344.
13. Nagy Cs. I. A csoportos igenyervenyesites lehetosegei es gazdasagtana a magyar jogban [The possibilities and economics of group litigation in Hungarian law]. Jogtudomanyi Kozlony [Legal Journal], No. 3, 2011, pp. 163–174.
14. Udvary S. Pro actione collectiva. Budapest: Patrocinium, 2015.
15. Udvary S. Kozerdekbol inditott per [Public interest litigation]. In: Wopera Z. (ed.). Kommentar a polgari perrendtartasrol szolo 2016. evi CXXX. torvenyhez [Commentary on Act CXXX of 2016 on the Code of Civil Procedure]. Budapest: Magyar Kozlony Lapes Konyvkiado Kft. [Hungarian Gazette Newspaper and Book Publishing House Ltd.], 2017, pp. 879–888.
16. Udvary S. Tarsult per [Coordinated Actions]. In: Wopera Z. (ed.). Kommentar a polgari perrendtartasrol szolo 2016. evi CXXX. torvenyhez [Commentary on Act CXXX of 2016

on the Code of Civil Procedure]. Budapest: Magyar Kozlony Lap- es Konyvkiado Kft. [Hungarian Gazette Newspaper and Book Publishing House Ltd.], 2017, pp. 889–893.

17. Varga I. Identification of Civil Procedure Regulatory Needs with a Comparative View. ELTE Law Journal, No. 1, 2014, pp. 135–163.
18. Varga I., Eless T. (eds.). A polgari perjogi kodifikaciorol szolo 1267/2013. (V.17.) Korm. hatarozat altal elkesziteni rendelt munkabizottsagi szakertoi javaslat normaszoveges indokolas tervezete [Draft of the norm and explanatory statement elaborated by the working committee in its expert proposal commissioned by Government Decision No. 1267/2013 (V.17.) Korm. on the codification of civil procedural law], 30 October 2015.
19. Varga I., Mernyei A. The Initial Steps Towards the New Code of Civil Procedure in Hungary. International Journal of Procedural Law, Vol. 4, No. 2, 2014, pp. 1–4.Natemolo reperchilis ducitias as magnit arumquam harum et aut dolorpo reicaectius autenem consequam autetu