

HUNGARY

Apostille Questionnaire 2021

The responses are reflected as provided by Contracting Parties subject to minor typographical corrections.

Joining the Apostille Convention	
1. Did you join the Convention after 2010?	[b] No.
2. Are foreign public documents exempted from legalisation by virtue of your internal law, practice, or any bilateral / multilateral agreements (excluding the Apostille Convention)?	<p>[a] Yes, under internal law. <i>According to Section 65 (3) of the Act No. CL of 2016 on the Code of General Administrative Procedure (http://njt.hu/translated/doc/J2016T0150P_20200722_FI_N.pdf) legalisation is only required when doubts arise as to the authenticity or the contents of an authentic instrument issued abroad.</i></p> <p>[b] Yes, under bilateral / multilateral agreements. - EU Regulations - Bilateral agreements with Albania, Algeria, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, China, Croatia, Cyprus, Cuba, Czech Republic, Egypt, Finland, France, Greece, Italy, Iraq, Kosovo, Macedonia, Moldova, Mongolia, Montenegro, North Korea, Poland, Russia, Romania, Serbia, Slovakia, Slovenia, Syria, Tunisia, Turkey, Ukraine, Vietnam</p>
Competent Authorities	
3. How many Competent Authorities have you designated under the Apostille Convention? <i>If unknown, please specify the reason for this and provide an approximate number.</i>	3
4. Do your diplomatic missions abroad play a role in the Apostille issuance process?	<p>[b] Yes, our diplomatic missions act as intermediaries between the applicant and Competent Authority (e.g. forwarding applications and transmitting Apostilles once issued). <i>Requests in certain cases can be submitted via Hungarian Embassies.</i></p>
Substantive Scope	
5. Is the concept of 'public document' defined in your internal law?	<p>[a] Yes. <i>See Section 323 of Act No. CXXX of 2016 on the Code of Civil Procedure (http://njt.hu/translated/doc/J2016T0130P_20200401_FI_N.pdf):</i></p> <p><i>„Section 323 [Public deeds]</i></p> <p><i>(1) A public deed means a paper-based or electronic document, which was issued in accordance with the legal provisions by a court, a notary, or other authority or administrative organ acting within its scope of responsibilities.</i></p> <p><i>(2) A public deed shall be deemed original unless proven to the contrary, but the court may ex officio call upon the entity issuing the deed to make a statement regarding its authenticity.</i></p>

	<p>(3) A public deed shall prove with full probative value that</p> <p>a) the issuing entity carried out the measure or adopted the decision with the content specified therein,</p> <p>b) the data and facts confirmed by the public deed are true,</p> <p>c) the statement contained in the public deed was made, and the place and manner of making that statement.</p> <p>(4) Unless provided otherwise by law, for an electronic public deed to be issued, the entity authorised to issue shall affix to the electronic deed a qualified electronic signature or seal, or an advanced electronic signature or seal based on a qualified certificate, as well as a timestamp, if required by law.</p> <p>(5) Any other document or thing, regardless of the data-storage medium, may be classified as a public deed by law.</p> <p>(6) Refutation of a public deed shall also be allowed, unless it is prohibited or restricted by an Act.</p>																											
<p>6. Have you experienced any difficulties in characterising a ‘public document’ for the purposes of the Apostille Convention?</p>	<p>[b] No.</p>																											
<p>7. Has the exclusion of ‘documents executed by diplomatic or consular agents’ (Art. 1(3)(a)) from the scope of the Apostille Convention given rise to any difficulties?</p>	<p>[c] No.</p>																											
<p>8. Do you think this Art. 1(3)(a) exclusion is justified in the context of the modern operation of the Convention?</p>	<p>[a] Yes.</p>																											
<p>9. Has the exclusion of ‘administrative documents dealing directly with commercial or customs operations’ (Art. 1(3)(b)) from the scope of the Apostille Convention given rise to any difficulties?</p>	<p>[c] No.</p>																											
<p>10. Do you think this Art. 1(3)(b) exclusion is justified in the context of the modern operation of the Convention?</p>																												
<p>11. Do you issue (outgoing) or accept (incoming) Apostilles for any of the following categories of document?</p>	<table border="1"> <thead> <tr> <th data-bbox="794 1364 1214 1406"></th> <th data-bbox="1214 1364 1329 1406">Issue</th> <th data-bbox="1329 1364 1437 1406">Accept</th> </tr> </thead> <tbody> <tr> <td data-bbox="794 1406 1214 1449">Certificates of origin</td> <td data-bbox="1214 1406 1329 1449">X</td> <td data-bbox="1329 1406 1437 1449"></td> </tr> <tr> <td data-bbox="794 1449 1214 1491">Export licences</td> <td data-bbox="1214 1449 1329 1491">X</td> <td data-bbox="1329 1449 1437 1491"></td> </tr> <tr> <td data-bbox="794 1491 1214 1534">Import licences</td> <td data-bbox="1214 1491 1329 1534">X</td> <td data-bbox="1329 1491 1437 1534"></td> </tr> <tr> <td data-bbox="794 1534 1214 1682">Health and safety certificates issued by the relevant government authorities or agencies</td> <td data-bbox="1214 1534 1329 1682">X</td> <td data-bbox="1329 1534 1437 1682"></td> </tr> <tr> <td data-bbox="794 1682 1214 1756">Certificates of products registration</td> <td data-bbox="1214 1682 1329 1756">X</td> <td data-bbox="1329 1682 1437 1756"></td> </tr> <tr> <td data-bbox="794 1756 1214 1798">Certificates of conformity</td> <td data-bbox="1214 1756 1329 1798">X</td> <td data-bbox="1329 1756 1437 1798"></td> </tr> <tr> <td data-bbox="794 1798 1214 1946">End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)</td> <td data-bbox="1214 1798 1329 1946">X</td> <td data-bbox="1329 1798 1437 1946"></td> </tr> <tr> <td data-bbox="794 1946 1214 1986">Commercial invoices</td> <td data-bbox="1214 1946 1329 1986">X</td> <td data-bbox="1329 1946 1437 1986"></td> </tr> </tbody> </table>		Issue	Accept	Certificates of origin	X		Export licences	X		Import licences	X		Health and safety certificates issued by the relevant government authorities or agencies	X		Certificates of products registration	X		Certificates of conformity	X		End user certificates (i.e. documents certifying that the buyer is the end user of acquired goods)	X		Commercial invoices	X	
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Apostille Process			
Certification of Public Documents			
12. Do any of your public documents require some other intermediate certification before the issuance of an Apostille?	[a] Yes, an intermediate certification is required for some categories of public documents.		
<i>For Parties that answered yes to Q12.</i> 12.1. What categories of public document require intermediate certification and why?	Category of public document	Why certification is required	
	Court documents	Certain court documents do not have a signature on them, or signature of judges signing them a long time ago might not be available. Therefore the president or vice-president of the court can always attest the authenticity of the documents thus their signature and seal is furnished with an Apostille.	
	Veterinary certificates	The Ministry of Agriculture has the up-to-date list of issuers.	
	School and university documents	The Ministry of Human Capacities has the up-to-date list of issuers.	
	Medical certificates	The Ministry of Human Capacities has the up-to-date list of issuers.	
	Police certificates	The Ministry of Interior has the up-to-date list of issuers.	
Requesting an Apostille (Outgoing)			
13. How can an Apostille be requested?	[a] In person.		X
	[b] By post.		X
	[c] By email.		
	[d] Through a website.		
	[e] Other. <i>Via embassies.</i>		X
14. When issuing an Apostille, do you enquire about the State of destination?	[a] Yes, in the application form.		
15. How long does it take for an Apostille to be issued?	In-person request (paper Apostille)	Other requests (from the time of receipt) (paper Apostille)	e-Apostille requests
	On the spot	Within five working days	
16. Does your Competent Authority impose a fee for issuing an Apostille?	[b] Yes, but the price is dependent on, for example, the category of public document(s), the Competent Authority, or the type of application. <i>Ministry of Justice: free of charge (from the 1st January 2021)</i> <i>Ministry of Foreign Affairs and Trade: 5500 HUF</i> <i>Hungarian Chamber of Civil Law Notaries: 5000 HUF</i>		

Issuing an Apostille (Outgoing)			
17.	How is the origin of a public document verified for the purpose of issuing an Apostille (<i>i.e.</i> verification of the authenticity of the signature, the capacity of the signer, and the identity of the seal / stamp (Art. 5(2))?	[b] Multiple Competent Authorities. [v] Multiple separate databases of sample signatures / seals / stamps, some in paper form, some electronic.	
18.	How does a Competent Authority address situations where it is unable to verify the origin of the public document?	[a] The Competent Authority will contact the issuing authority to confirm authenticity, issue the Apostille, and then add the new signature, stamp or seal to the database.	
19.	In what language(s) are the 10 standard items of your Apostilles available?	[c] In three languages. <i>Ministry of Justice, Ministry of Foreign Affairs and Trade: Hungarian, English, French</i> <i>Hungarian Chamber of Civil Law Notaries: Hungarian, English</i>	
20.	In what language(s) are the blank fields of your Apostilles filled in?	[b] In two languages. <i>Ministry of Justice, Hungarian Chamber of Civil Law Notaries: Hungarian, English</i> <i>Ministry of Foreign Affairs and Trade: Hungarian</i>	
21.	How are the blank fields of your Apostilles filled in?	[b] Using computer software. <i>Ministry of Justice, Ministry of Foreign Affairs and Trade: Microsoft Word</i> <i>Hungarian Chamber of Civil Law Notaries: own-developed software</i>	
Apostille Registers			
22.	How is your Apostille register, required by Article 7, maintained?	[b] Multiple Competent Authorities. [v] A separate register for each Competent Authority, some in paper form, some electronic.	
23.	What particulars are contained in your Apostille register?	[a] Number and date of the Apostille (<i>required</i>).	X
		[b] Name and capacity of the person signing the document and / or the name of authority whose seal or stamp is affixed (<i>required</i>).	X
		[c] Name and / or type of underlying document.	X
		[d] Description of the contents of underlying document.	
		[e] Name of the applicant.	X
		[f] State of destination.	X
		[g] Copy of the Apostille.	X
		[h] Copy of the underlying document.	
		[i] Other. <i>Ministry of Justice:</i> <i>- Address of the applicant</i> <i>- Case number of the underlying document</i> <i>Hungarian Chamber of Civil Law Notaries:</i> <i>- Address of the applicant</i> <i>- Date of the underlying document</i> <i>- Case number of the underlying document</i> <i>- The amount of the fee and method of payment</i> <i>- Other notes.</i>	X

<p>24. Is there a limit to how long records can be retained on the Apostille register?</p>	<p>[c] Yes, other. <i>Ministry of Justice: 10 years</i> <i>Ministry of Foreign Affairs and Trade, Hungarian Chamber of Civil Law Notaries: No time limit</i></p>	
<p>25. If your register is <i>not</i> publicly accessible, how frequently do your Competent Authorities receive requests to verify an Apostille they have issued in the register?</p>	<p>[c] Between 2 and 10 times per year.</p>	
<p>Technology & the e-APP</p>		
<p>26. Under your internal law, do you recognise electronic / digital signatures as functionally equivalent to handwritten signatures (i.e. can a public document be signed electronically)?</p>	<p>[a] Yes. <i>See response to question no. 5.</i></p>	
<p>27. Under your internal law, are public documents executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?</p>	<p>[a] Yes.</p>	
<p><i>For Parties that answered yes to Q27.</i> 27.1. What categories of public documents are executed, or able to be executed, in electronic form (whether or not they are to be used abroad under the Convention)?</p>	<p>[a] All public documents.</p>	
	<p>[b] Civil status documents (e.g. birth, death and marriage certificates) and certificates of non-impediment.</p>	
	<p>[c] Other administrative documents (including decisions from administrative tribunals or decision-making bodies).</p>	X
	<p>[d] Extracts from commercial registers and other registers.</p>	X
	<p>[e] Notarial authentications of signatures.</p>	
	<p>[f] Other notarial acts.</p>	X
	<p>[g] Diplomas and other education documents.</p>	
	<p>[h] Court documents, including judgments.</p>	X
	<p>[i] Patents or other documents pertaining to intellectual property rights.</p>	X
	<p>[j] Documents relating to adoptions.</p>	
	<p>[k] Translations.</p>	X
	<p>[l] Medical or health certificates.</p>	
	<p>[m] Criminal records.</p>	
	<p>[n] Import or export licences.</p>	
<p>[o] Certificates of origin.</p>		
<p>[p] Certificates of conformity.</p>		
<p>[q] Other.</p>		

For Parties that answered yes to Q27. 27.2. Approximately what percentage of your public documents are originally executed in electronic form (whether or not they are to be used abroad under the Convention)?	Unknown	
28. Do you issue e-Apostilles?	[b] No. [i] We are studying the use of e-Apostilles and plan to implement the e-Apostille component.	
For Parties that answered no to Q28. 28.1. What challenges are you facing that may prevent you from implementing the e-Apostille?	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	
	[d] Cost.	
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other. <i>Possible problems are still being evaluated.</i>	X
For Parties that answered no to Q28. 28.2. How do you issue an Apostille for a public document executed in electronic form?	[b] By paper Apostille, attached to a hard copy of the electronic public document.	
29. Are your authorities equipped to accept incoming e-Apostilles?		
30. Do you maintain an e-Register?	[b] No. [i] We are studying the use of an e-Register and plan to implement the e-Register component.	
For Parties that answered no to Q30. 30.1. What challenges are you facing that may prevent you from implementing the e-Register?	[a] Internal law limitations.	
	[b] Judicial or administrative structure.	
	[c] Implementation challenges (e.g. lack of resources, lack of infrastructure).	
	[d] Cost.	
	[e] System interoperability / compatibility.	
	[f] Security concerns.	
	[g] Other. <i>Possible problems are still being evaluated.</i>	X
31. Have you been in contact with other Competent Authorities that operate an e-APP component and exchanged information and / or relevant experience?	[b] No.	
Issues with Apostilles		
32. Has an Apostille <i>issued</i> by your Competent Authority ever been refused by the authorities of another Contracting Party on the following grounds:	[a] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[b] The manner in which the Apostille was affixed / attached to the underlying document.	

	[c] The Apostille was not signed.	
	[d] One or more of the standard informational items were not filled in.	
	[e] The Apostille was in electronic form (<i>an e-Apostille</i>).	
	[f] The underlying public document was in electronic form.	
	[g] The underlying public document had expired / was not issued within a certain timeframe.	
	[h] The underlying document was not a public document under the law of the destination.	
	[i] Other.	
	[j] Unknown.	X
	[k] No / Not applicable.	
33. Has your Competent Authority ever been requested by external Competent Authorities to certify or confirm your procedure for issuing Apostilles?	[b] No.	
34. Has an Apostille <i>received</i> by your authorities ever been refused on the following grounds:	[a] The issuing State was not a Contracting Party to the Apostille Convention.	
	[b] Form requirements (e.g. square-shaped, sides of at least nine centimetres, border, ink, etc).	
	[c] The manner in which the Apostille was affixed / attached to the underlying document.	
	[d] The Apostille was not signed.	
	[e] One or more of the standard informational items were not filled in.	
	[f] The Apostille was in electronic form (<i>an e-Apostille</i>).	
	[g] The underlying public document was in electronic form.	
	[h] The underlying public document had expired / was not issued within a certain timeframe.	
	[i] The underlying document was not a public document under the law of the destination.	

	[j] Other.	
	[k] Unknown.	X
	[l] No / Not applicable.	
Miscellaneous		
35. Would you be interested in attending the 2021 meeting of the Special Commission on the practical operation of the Apostille Convention?	[b] Yes, via videoconference.	
36. Have you encountered any persistent difficulties, issues, or challenges in the operation of the Apostille Convention that you would like discussed at the 2021 Special Commission? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
37. Do you have any suggestions that could assist in the promotion, implementation, or operation of the Apostille Convention? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
38. Would you be interested in attending the 12 th International Forum on the e-APP (to be held in conjunction with the meeting of the Special Commission)?	[b] Yes, via videoconference.	
39. Are there any specific topics or practical issues that you would like discussed at the e-APP Forum? <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	
40. The Permanent Bureau is in the process of drafting a 2 nd edition of the Apostille Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals for inclusion? <i>Please note that answers to this question will not be incorporated into the first draft of the 2nd edition. The PB will take them into account in preparing subsequent drafts.</i> <i>If yes, would you like your answer to this question to be published without reference to your authority or State?</i>	[b] No.	