

Survey response	
Please indicate: [State:]	Hungary
Please indicate: [Region:]	Budapest
Please indicate your profession:	Judge
Do you have practical expertise in cross-border civil or commercial litigation:	Yes
1.1 What are your views on the scope of the Draft Text?	Article 1(2) unnecessarily restricts the scope of the Convention. The principle of forum non conveniens is not served by making the defendant's habitually resident the decisive factor, as there are countless cases where this is not in one of the Contracting States.
1.2 Does the subject matter scope of the Draft Text cover those matters for which rules on parallel proceedings and related actions would be beneficial?	Yes, see 1.3.
1.3 What are your views on the subject matter exclusions in particular, and how they would work in practice? For example, what are your views on the formulation of the arbitration exclusion in Article 2(3)?	The restriction on „transboundary” cases in Article 2(1)(g) is unjustified. This restriction is difficult to interpret in practice and may even require proof. Moreover, it concerns precisely those cases in which the courts of several Contracting States may have jurisdiction for different reasons, so that the application of the Convention would be highly justified. It should be noted that Article 2(2)(g) of Convention 37 on Court Agreements also does not contain a „transboundary” restriction. The arbitration exclusions is fine. It would be reasonable to include collective agreements in Article 2(5). The justified protection of employees should not be made dependent on whether the employment contract is individual or collective. I support the exclusions of matters involving claims by or on behalf of victims of terrorism. This people need to provide adequate protections.
1.4 What are your views on the geographical scope of the Draft Text and how it would work in practice? (See paragraph 16 for further information).	Art. 1(1) is fine. Art. 1 (2) see question 1.1.
2. What are your views on the definitions of parallel proceedings and related actions? In particular, please share your views on how these definitions might operate, and be applied by parties and courts, in practice.	In practice it could facilitate the application of the convention to define the parallel proceedings, related actions and the habitual residence of an entity/person other than natural person, but the definitions should be unambiguous and not to be misunderstandable. For this purpose the listed specifications in Article 3 paragraph 1 point b [from (i) to (iii)] and paragraph 2 [from (a) to (d)] are

	<p>complementary (so all of them have to be realized using "and" among the points) or presence of the one of the specifications is enough (so using "or" among the point).</p>
<p>3. What are your views on Article 4?</p>	<p>According to the Article 4 (a) point: It would be essential to clarify the meaning of „the date of submission”. The date of submission could refer to different dates. It could be the day when a submission addressed to the court is dispatched by registered post to the court’s address or the day when the submission actually arrives to the court. According to the Article 4 (b) point: It would be helpful to define that which country’s law should be applied to determine the regularity of delivery.</p>
<p>4. What are your views on Article 5?</p>	<p>Chapter II on parallel proceedings imposes obligations on courts, such as suspending or terminating proceedings, or in certain cases, to conduct litigation after suspension. The purpose of this provision is to avoid duplication of proceedings, contradictory or conflicting judgments, and also unnecessary costs. The provisions are consistent and are in line with the objectives of judicial efficiency. However, while Article 5 seeks to regulate the procedural consequences of parallel proceedings by establishing rules on suspension, discontinuation, and continuation, it raises a number of concerns regarding legal certainty, judicial discretion, and the protection of procedural rights. Paragraph 1 establishes the need for immediate measures relating to suspension in cases where the court is notified of parallel proceedings, which may promote legal certainty. However, the provision does not specify the sufficient grounds for a decision on suspension. If a mere statement by one of the parties, without any substantiation, is sufficient, there is a risk of tactical behavior, and the possibility of notification by "other interested persons" further exacerbates this concern, as the term is not defined and may lead to different national interpretations. The effectiveness of the provision would be enhanced if the court, in case of any doubt, had the possibility to request information directly from the other court. According to Paragraph 2, if the other proceeding results in a judgment that is capable of recognition and enforcement, the suspended</p>

	<p>proceedings must be dismissed. However, the automatic nature of such dismissal may raise concerns in cases where recognition is theoretically possible, but is disputed or may be subject to exceptions. The concept of a "recognizable" judgment is abstract, and does not necessarily mean that recognition has taken place or will take place without dispute. Therefore, an explicit reference to ongoing recognition procedures could increase legal certainty, and a regulation stating that the procedure would only be terminated after recognition has taken place would be justified. Paragraph 3 regulates the resumption of the suspended procedure, if the other court has not rendered a judgment or "is unlikely to render" a judgment within a "reasonable time." However, the alternatives in parentheses – "is unlikely to" vs. "has not" – reflect different thresholds of judicial discretion. The likelihood that a court in another state will not render a judgment requires a predictive assessment by the suspending court, which may be based on differing interpretations, and jeopardizes legal certainty. The reference to "reasonable time" similarly causes uncertainty, because – although flexibility is necessary in an international context – the lack of guiding criteria may lead to different national interpretations, practices and forum-sensitive outcomes. Therefore, the effectiveness of the provision may depend on precise definitions and uniform interpretation.</p>
<p>5. What are your views on Articles 6 – 8 including how they will work in practice?</p>	<p>In general I consider that Articles 6-8 will be able to work as intended, however I suggest that the Convention adheres to the Brussels IA Regulation as close as possible due to it's long history (eg. Brussels I Regulation and 1968 Brussels Convention) and it's well established CJEU caselaw. Article 6 should refer to not just registration but also to recordation of in rem rights. The rule on tenancies should include an exception for cases where the tenant is habitually resident in a different State only in cases where the landlord and the tenant are both habitually resident in the same State. It should be made clear either in the text of Article 7 or in an another appropriate form that choice of court agreements are only applicable if they are not to be considered null and void under the law of the state of the designated court(s), see Art. 5(1) of</p>

	of the 2005 Choice of Court Convention. A Hungarian example of such a national rule is Art. 27(6) of Act CXXX of 2016 on the Code of Civil Procedure. 2 or 3 years may be considered a reasonable timeframe under Art. 8(1).
6.1 What are your views on the ‘jurisdiction / connection’ list in Article 8(2)?	Considering that the agreement excludes consumer and individual employee disputes from its scope, additional rules of jurisdiction favoring the protection of the weaker party are not justified.
6.2 Based on your experience, do you consider these factors appropriate for parallel proceedings i.e. for obliging courts to suspend or dismiss proceedings if they are not seised on the basis of one of these? Why or why not?	The specified jurisdictional factors have been precisely defined. However, in certain cases (e.g., the broad formulation of jurisdiction rules in the context of non-contractual damage, the simultaneous and non-sequential formulation of the place where the harm occurred and the place where the harm was suffered), this may result in uncertainty for the courts hearing the case.
6.3 Are there any additional factors that you believe should be included?	It would be worth considering regulating the grounds for jurisdiction governing insurance contracts or the rules governing assigned claims.
7.1 What are your views on the approaches proposed in Article 9 for determining which court should adjudicate the dispute in cases of parallel proceedings which Articles 6 – 8 have not resolved?	The court first seised should resolve the dispute; however, determining which court qualifies as the court first seised is not always straightforward. The parties should therefore be required to make a declaration concerning the existence of parallel proceedings.
7.2 What are your views on how the two approaches may work in practice?	The first approach appears to be problematic because it involves a double review. The court first seised must evaluate the factors set out in Article 10, after which any other court may decide whether to resume the proceedings as appropriate. This additional layer of review seems unnecessary and is likely to contribute to procedural delays. By contrast, the second approach appears more transparent and leads to a clearer procedural framework. Nevertheless, difficulties may arise in relation to procedural deadlines. If a court other than the court first seised suspends its proceedings no later than the submission of the first defence on the merits, the proceedings before the court first seised may already be at an advanced stage.
7.3 Do you have a preference for either approach? If so, please explain why.	For the reasons outlined above, the first approach is preferable.
8.1 What are your views on the factors listed in Article 10 for determining the more appropriate court in cases of parallel	The factors listed in Article 10 provide an appropriate and balanced basis for determining the more appropriate court. They cover the interests of the parties, procedural efficiency,

<p>proceedings subject to Article 9 (i.e. that are not resolved by Articles 6 – 8)?</p>	<p>and the practical effectiveness of the resulting judgment, while allowing for flexible case-by-case assessment in light of the proper administration of justice.</p>
<p>8.2 Do you have any views on how Article 10 might work in practice?</p>	<p>In practice, Article 10 grants broad discretion to the court first seised, while the suspension mechanism may reduce the risks associated with parallel proceedings. Judicial communication can facilitate efficient and timely decision-making; However, a uniform interpretation of the concept of “more appropriate forum” may be challenging, which may justify the development of guidelines or emerging case law.</p>
<p>8.3 Are there additional considerations that, in your view, should be taken into account?</p>	<p>Additional considerations may include preventing abusive forum shopping, ensuring procedural balance between the parties, and assessing whether a court is able to resolve the dispute fully and within a reasonable timeframe. These additional aspects may reinforce the objectives of Articles 9 and 10, namely reducing uncertainty arising from parallel proceedings and ensuring effective access to justice.</p>
<p>9. Do you have an overall view on the effectiveness of the framework developed in the Draft Text for dealing with parallel proceedings in an international context? Please explain any advantages and / or disadvantages of the framework, and how you think it will work in practice.</p>	<p>Article 69 (1) of the Hungarian Private International Law Act defines the issue of international litigation on the basis of Hungarian law. So: Where proceedings between the parties are pending - at the time the proceedings are instituted - before a foreign court brought for the same subject under the same cause of action, the Hungarian court may suspend its proceedings of its own motion or upon request, provided that recognition of the foreign court’s judgment in Hungary is not precluded. Accordingly of Article 69 (1) of the Hungarian Private International Law Act: <i>zaz az Nmjtv. 69. § (1) bekezdése kapcsán</i> The identity of the parties, the identity of the facts and the identity of the law must be examined. It is important to note that the international litigation can only be interpreted in the system of the Hungarian Private International Law Act if the foreign proceedings were initiated earlier, as in this case the principle of prevention can be enforced, creating a flexible regulation so that the Hungarian court can consider suspending the proceedings. However, the possibility of suspending the proceedings can only arise if the recognition of the foreign judgment to be</p>

	<p>rendered is not excluded, i.e. the Hungarian court must conduct a hypothetical recognition procedure. In doing so, the provisions of Article 109 of the Hungarian Private International Law Act must be taken into account. Waiting for the outcome of the foreign procedure is only justified if the decision on the merits made abroad may have legal effects in Hungary, i.e. it will be recognised. It is not necessary for this, and since no decision has yet been made abroad, it is not possible to fully examine whether the foreign decision can actually be recognised. In this context, it can only be expected to take into account whether there is no objective obstacle that can be taken into account in the light of which the recognition of the foreign judgment can be excluded in advance (e.g. the existence of an exclusive agreement in Hungarian jurisdiction guaranteeing the mutual recognition of judgments or the lack of reciprocity between the two states). At the same time, the law does not otherwise oblige the court or authority to consider what circumstances it takes into account when making its decision on suspension. Such circumstances may include, for example, the fact that a decision on the merits cannot be expected in the foreign state within a reasonable time, or the stage of the foreign procedure at the time of initiation of the proceedings in Hungary (detailed justification related to Section 69 of the Hungarian Private International Law Act). On the basis of the above, in my opinion, the regulation of parallel proceedings is justified and expedient, because in the absence of this, it cannot be ruled out that contradictory decisions are made in the same case, which may result in the violation of legal certainty.</p>
<p>10. Do you have a view on the effectiveness of the framework developed in the Draft Text for dealing with related actions in an international context? Please explain any advantages or disadvantages of the framework, and how you think it will work in practice.</p>	<p>The instruments regulating the related actions will undoubtedly be effective. They can increase legal certainty, predictability, and the efficiency of procedures. At the same time, they can reduce litigation costs and mitigate inconsistent judgments in transnational litigation in civil and commercial matters. These can be counted among its advantages. Nevertheless, the lack of precise definitions of concepts such as "reasonable time" jeopardizes this objective. The draft does not provide a satisfactory answer to the question of what constitutes a reasonable</p>

	<p>time for the related actions. However, defining this would be crucial, as the benefits could be negated if the waiting time is unpredictable. In my opinion, this could lead to the instrument not being applied in practice due to uncertainty. Chapter III provides a flexible and discretionary framework for courts to deal with related actions, contains obligations on the courts seised to undertake certain determinations relating to which court should proceed, and requires courts to proceed or suspend or dismiss if their determinations align, but it does not impose international obligations on courts to suspend or dismiss proceedings if that is not their decision. That does not, however, make it unnecessary to clarify certain issues. For example, the draft does not address in general terms when a court should suspend or dismiss proceedings before it, in the case of related actions, which could lead to different national practices, and in my view, could influence the parties in deciding which of the courts seised they should or should not request to apply Chapter III. In other words, the lack of such clarifications may lead to tactical litigation in practice. In terms of efficiency, communication between the courts concerned will be of paramount importance. Without rapid communication, the provisions on related actions will be rendered meaningless.</p>
<p>11.1 What are your views on the practical operation (or the effectiveness) of the communication methods set out in Chapter IV of the draft text for use between courts seised, in cases involving parallel proceedings and related actions?</p>	<p>The indirect judicial communication mechanism is currently in operation and is used by courts when it is necessary. The indirect judicial communication mechanism, that is the communication through the central authority, does not operate so smoothly and the execution of the requests usually takes a long time. However, the communication through the central authority has a helpful function, among other things in cases where the requested court does not respond to the request or the call of the requesting court within a reasonable time. In cases involving parallel proceedings and related actions, there is a need for a direct judicial mechanism from the courts. Namely, the direct communication between the courts can facilitate the faster implementation of certain measures by allowing the requested court to respond to the requesting court within a significantly shorter time.</p>

<p>11.2 Are there particular advantages and challenges you foresee in applying these methods?</p>	<p>The direct judicial communication can facilitate the more timely, faster and cost-effective conduct of proceedings. Another advantage of the direct communication is that there are no specifically defined formal rules or requirements for requests and responses, and the achievements of digital systems can also be exploited in this area. The disadvantage of the direct judicial communication is that if the requested court delays in responding or does not respond, it may cause the proceedings to be prolonged, in some cases it may hinder or thwart the taking of certain measures, and the application of the legal consequences may be impossible or only possible in limited cases. The indirect judicial communication, that is the communication through the central authority takes longer and is not as smooth as the direct communication. However, the central authorities are responsible for coordination, cooperation, assistance, exchange of information and resolution of difficulties between the contracting states. In both the direct and the indirect judicial communication, it is an advantage to be able to use a common language, which can make the proceedings faster and more cost-effective.</p>
<p>12. What are your views on the three safeguards provided in the Draft Text (Articles 19-21), particularly as to how they will operate in practice?</p>	<p>In my opinion, the purpose of these articles is to provide assistance, therefore they should be applied on an exceptional basis rather than independently. Consequently, law enforcement will primarily apply the provisions set out in the main rules rather than those contained in Articles 19-21, so they are not expected to be of great significance in practice. Nevertheless, they are important provisions, as they will function as a kind of protective bastion in the application of the law, limiting the provisions of the main rules. Article 19 can be understood as ensuring the right to justice, so that justice cannot be denied in a particular case due to a lack of jurisdiction. However, an important condition is reasonableness and foreseeing, which will need to be demonstrated in practice, i.e., it will be necessary to prove that no other forum is available for the case in question. Difficulties may arise in practice in proving reasonableness and foreseeing, which should always be interpreted in the context of the specific case in question. Reasonableness may relate to the passage of time, the costs of the proceedings,</p>

and the accessibility of the court from the parties' point of view, as these factors can significantly influence the outcome of proceedings (e.g., the success of evidence, the applicability of evidence, its possible destruction, etc.). A condition beyond reasonableness is that it must be foreseeably necessary to conduct the proceedings so that the party is not left without a forum to decide on its case. In other words, the right to justice must be ensured. In practice, this can be considered foreseeably necessary if it is clear that there is no other forum (with jurisdiction) capable of adjudicating the party's claim at the time when the case was initiated and the claim was filed. Article 20 confirms one of the fundamental tasks of the courts, namely that the court is obliged to prevent abuse of rights, so this provision plays a stabilizing role. Most legislation responds to abusive exercise of rights (e.g., preventing parties from delaying proceedings, initiating parallel proceedings, or exerting pressure). However, what exactly constitutes abuse of proceedings can be difficult to define in practice. It might be worth clarifying this, as if it is determined by the national laws or legal practice of the contracting states, this could lead to different interpretations between different legal systems. Article 21 is - on the one hand - a constitutional safeguard, but its application must also respect international treaties, meaning that it must be applied within these limits. On the other hand, it assures the participating states that the rules of the international treaty they have accepted do not interfere with the constitutional order or fundamental interests of the participating state. After all, the provisions of Article 21 prevail as the ultimate limit. In practice, it will be important to clarify exactly what sovereignty and security interests mean. In the draft text, the concept of state sovereignty is considered too abstract, politically exposed, and applicable to everything, so that each participating state can interpret it as it sees fit. Furthermore, the degree of involvement is not clearly defined, i.e., what level of direct and/or serious involvement in sovereignty and security interests is necessary for Article 21 to be applicable. The concept of security interests could also be clarified to

	<p>specify whether it refers to constitutional rules or national security interests. Ultimately, it may be worth considering incorporating the principles of proportionality and necessity into the text, so that the application of the exception would also be conditional on the application of Article 21 – as an exception – being proportionate and necessary in the case in question. Overall, Articles 19-21 seek to strike a balance between regulation and judicial discretion. It is important that these three articles are actually applied by the courts as safeguards.</p>
<p>13.1 Would the rules set out in the Draft Text achieve the objectives of a future instrument? The objective of a future instrument is to enhance legal certainty, predictability and access to justice by reducing litigation costs, and to mitigate inconsistent judgments in transnational litigation in civil or commercial matters.</p>	<p>Article 3, in addition to parallel proceedings (where the parties and the subject matter of the case are identical), provides for a broad sense of interconnected proceedings, which helps to cover a greater number of cases in a future agreement with possible solutions, in particular Article 3(1)(b)(iii). At the same time this article provides a wide margin of discretion that reinforces uncertainty. Article 5(1) and (2) lays down clear rules on the issue of suspension, but Article 5 (3) itself „(is unlikely to render) [has not rendered] a judgment on the merits [within a reasonable time]” and the possibilities for its application are also a factor of uncertainty. The current known international rules on the ownership and lease, registration and/or registration of real estate are mature, so I do not see the need to reform them, but in my opinion this would also generate a dispute between the future contracting states, which would generally hinder the adoption of the final convention – the existence of disputes is also indicated in the text of the draft. Although the criteria for determining the 'more appropriate court' referred to in Article 10 are wide-ranging, they constitute a factor of uncertainty in terms of foreseeability, which factors can be detected in the Article 9 also.</p>
<p>13.2 Do you have any views on whether the proposed rules set out in the Draft Text would improve the status quo?</p>	<p>Cost reductions may be achieved by reason if parallel procedures initiated for tactical reasons can be excluded or minimized, provided that the above-mentioned uncertainties can be eliminated. The discretion provided for in Article 10 and effective judicial communication as referred to in Article 16, the direct form of which would be primarily appropriate to ensure effectiveness, may make a significant</p>

	<p>contribution to reducing costs. In this context, the Convention could use an online multilingual communication interface or forms that can be filled in online in the name of clarity and speed, which is well-known in the European Union's cross-border judicial instruments. The institution of joint hearings is very attractive, but I find it difficult to imagine its realization due to linguistic and communication difficulties and the significant differences in internal procedural rules.</p>
<p>13.3 Do you consider there are any risks of tactical or satellite litigation arising from any of the provisions, or the overall approach of the Draft Text? Are these risks greater or fewer than those that currently exist? Are there any ways that such risks could be addressed in the Draft Text?</p>	<p>The exclusion of tactical and satellite litigation is not conceivable, as the initiation of such proceedings is not prohibited, and the Convention must serve as a guide for the rapid closure of parallel proceedings initiated in this way. In this regard, we can help by narrowing the margin of discretion and speeding up communication between the members of the judiciary (and not the parties nor central authorities). This kind of communication is crucial in the first phase of the procedure to avoid cost an unreasonable length of procedures.</p>
<p>14. What other comments, if any, do you have?</p>	<p>I have no further comments to add.</p>