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133 From the aspect of self-administered justice to be established, even though it is factual, but the action of the person cannot be punished, whose property was unlawfully taken away, thus with the intent of regaining his/her own property, exercises violence in good faith, misleading the policeman, who arrives to the spot for a different reason The action of the accused person, who is a managing director, was justified by a significant interest related to the maintenance of the operability of the business organisation, as lost time, if other means of property protection were used (property protection proceedings initiated by a legal representative, civil proceedings), would have prevented the protection of property. The party searched for the lawful normal way of retaking the company seat of the business organisation, acquired legal advice from a legal representative, and the actual behaviour was based on the facts of the case presented in the individual decision issued in the court decisions In consideration of all this, lawful self-administered justice was exercised in the mistaken manner that it is not dangerous to society, and – due to the precedents – it is well justified 604

134 The credit adviser bank clerk commits the crime of fraud and bribery of particularly serious harm, who violates the applicable legal obligation towards the financial institution, by contributing – for financial counter-service (bribery of 300,000-500,000 Hungarian forints) – to business organisations acquiring Széchenyi Kártya loans, which are not eligible, and even at the time of borrowing, they do not intend and cannot repay the loans, and by way of the credit

claims submitted by the same, damage of 343 million Hungarian forints is caused to two banks
609

135 In private proceedings, the rule that the injured person can press charge at the court competent in the jurisdiction of the residential address of the same may not be applied
616

136 If during the proceedings, defence is not obligatory, but a defence attorney is still appointed, then the participation of this defence attorney is obligatory in the proceedings just as in other case under the law
616

137 The lowest amount of preparation fee under the law shall be due to the court-appointed defence attorney even, if the procedural action performed in the presence of the same was not taken
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138 The extension of prosecution may also be based on the evidence acquired with regard to the motion not submitted by the district attorney
618

139 I. Secondary appeal against the decision of the court of second instance may only be enforced against a definitive decision Because the law allows for further legal remedy against the decision of the court of second instance, if the decision contradictory to the decision of the court of first instance is made in major criminal matters Regular legal remedy shall not be applied with regard to a decision of second instance judging the appeal against a non-definitive order.

II. If the court of second instance or third instance repeals the non-definitive order of a court of a lower rank, the proceedings specified in Section Seventeen of the Code of Criminal Procedure shall not be implemented, and the decision may not be appealed
621

140 The accused person shall submit the claim for damages at the law enforcement institute where the imprisonment is located, and the law enforcement court of the court of justice competent in the jurisdiction of the address of such law enforcement institute is entitled to judge the same. If the accused person is let free, the proceedings shall be conducted by the law enforcement judge of the court of justice competent in the jurisdiction of the address of the law enforcement institute, if the accused person, or its defence attorney did not request the court competent in the jurisdiction of the address or actual place of residence of the accused person
623

141 The proceedings started based on the review request against the decision ordering the correction of private detention may be conducted by the law enforcement judge of the court of justice competent in the area of the office of the law enforcement institute passing such corrective decision This special competence reason constituting exclusivity shall not be avoided even, if the accused person is transferred to another law enforcement institute
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CIVIL CASES

142 Statement of consent related to the registry of ownership may only be submitted, if the conditions specified in the agreement are met, otherwise the motion related to the provision of the statement is unfounded
626

143 Concluding an agreement with a clearly unstable, impressible person in a vulnerable situation, who is incapable of enforcing his/her interests – availing of this situation –, in which the contracting party receives unjustified unilateral benefits
627

144 The agreement on the payment of parking spaces in cash establishes a civil legal relationship including atypical public law elements, to which primarily the rules of the local government are applicable, and the general rules of the Civil Code related to agreements shall only be applicable to the extent that the decision of the local government does not regulate or is not contrary to the same 630

145 The right of retention, which may be exercised in the event of contractual violation only allows the retention of a proportionate part of the service 633

146 In the event of the enforcement of the warranty claim, the documents, themselves, attached by the party (agreement made with the contractor performing the repair, the budget, acknowledgement of performance, invoice, etc.) shall not “turn around” the burden of proof. Expert proof for the contractor performing the repair shall be related to the necessity of the payment for the performed work and the realistic amount of the costs, which also includes the examination of the factual performance of the works 636

147 Compulsory vaccination related to age may in theory violate the personality rights of the vaccinated person with regard to bodily integrity, but the vaccinations based on the effective laws – which do not violate the constitution (fundamental law) – may limit the right to bodily integrity based on the comparison of interests. Public health and the public interest related to defence against epidemics have priority over the right to bodily integrity 641

148 The blog – even with regard to topics related to public life – shall primarily be considered as a private form of communication, thus shall only fall under the effect of the rules related to the media in exceptionally cases, if the legal conditions related to the concept of media product are fully and undoubtedly met 645

149 The judgement of the appropriateness of the information given to the patient shall not be a professional matter, but a legal matter falling in the scope of judicial judgement, for which, if needed, medical matters may also be clarified, which may make the application of a medical expert opinion necessary. Information shall only be regarded appropriate, if it is professional with regard to the given clinical case and also fits the patient’s personality, including information, which is understandable and clear for the patient 647

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LABOUR CASES

153 In accordance with Section 208, Paragraph (2) of the Labour Code, if the base salary of the employee reaches the amount equal to seven times the lowest obligatory amount, the parties shall expressly agree in the labour contract that rules related to executives shall be applicable to the employee, due to the highlighted significance or enhanced confidential nature of the job
658

154 I. Subsequent to the notice given by the employee, the employer may exercise termination with immediate effect – with regard to the existence of the employment. From this aspect, the fact that termination and termination with an immediate effect originate from different parties shall not matter.

II. The employment shall be terminated upon the time of the communication of the termination with an immediate effect, irrespective of the lawfulness of the legal declaration related to the termination of the employment
661

155 Commission is a special form of performance related remuneration, which shall only be payable, if all circumstances specified by the employer are met in this regard. If the employer does not regulate whether commission is payable upon partial performance, the employee may not have material right related to the same
663

156 Should the employment be terminated unlawfully by the employer, the employee may decide between the enforcement of itemised claim for damages regulated in Section 82, Paragraphs (1)–(2) of the Labour Code, or claim the amount equal to the fee of absence payable for the notice period in the event of termination by the employee specified in Section 82, Paragraph (4), as the compensation lump sum of unlawful termination, without the proof of the damage. Section 209, Paragraph (6) of the Labour Code may not be applied as a legal consequence of the legal violation even with regard to executive employees
665

PUBLIC ADMINISTRATION CASES

157 With regard to the decision made by the tax authority, the fact that void decisions may not have legal effects can be established. However, the rules related to the procedure of the tax authority, by way of the related sui generis nature, the tax authority is entitled to pass a decision suitable for the intended legal effect within the statutory term, due to the fact of judicial review
668

158 The basis of the payment of subsidies payable for the implementation of rural development strategies from the European agricultural fund for rural development shall only be comprised of expenses incurred by the petitioner requesting the subsidy, which can be verified by performed and financial settled accounting documents issued for the name of the petitioner naming economic events used for the purpose of the implementation of the operation. In case of a construction project, the invoice registry showing a breakdown of the construction norm collection shall also be available The content of the attached accounting document and the invoice registry shall be in alignment
671

159 In medial ethical proceedings, only those who refer to the violation of their own individual laws or interests in a complaint may qualify as a complainant. The employer may not be a complainant in the case of the employee's complaint. The evidence and documents attached in the ethical proceedings shall be introduced to the person under the proceedings, and the

relevant evaluation shall be presented in the decision. The term of the ethical proceedings shall be 45 days as specified by the Act on the Healthcare Sector's Professional Chambers, and thus the ethical committee may not deviate from such term. The ethical committee shall deliver its decision dated to the day of its approval, put in writing in a short period of time 674

160 The matter of the proportionality of the agreement on the right of usufruct – if debated – shall be decided by a judicial expert. The mere fact that the fee for the right of usufruct is higher than the average fee applied in the area may not result in the refusal of the approval of the agreement with reference to disproportionality (and thus keeping others entitled to the right of usufruct distant) – without the examination of the special circumstances of the case 679

161 The opinion of the expert can only be evaluated in the field, where such expert is listed in the list of experts with the relevant competences 685

162 Entry request based on an agreement not including appropriate ownership shares is not suitable to provide missing documents 687

163 The Body of Representatives shall be obliged to pass legislation on the image of settlements covering the entire public administration of the settlement to the extent specified by the law on the image of settlements. If the local government fails to comply with its obligation of legislation within the term specified by the Curia, the Curia – with a relevant motion – shall authorise the head of the supervising organ to pass the regulation on behalf of the local government 690

RULINGS OF THE COURT OF THE EUROPEAN UNION

I. Judgement in Case C-125/18. Of 3 March 2020 – Marc Gómez del Moral Guasch vs Bankia SA

1. Article 1(2) of Council Directive number 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts must be interpreted as meaning that a contractual term in a mortgage loan agreement concluded between a consumer and a seller or supplier, which provides that the interest rate applicable to the loan is based on one of the official reference indices provided for by the national legislation that may be applied by credit institutions to mortgage loans, falls within the scope of that directive, where that national legislation does not provide either for the mandatory application of that index independently of the choice of the parties to the agreement or for the supplementary application thereof in the absence of other arrangements established by those parties.

2. Directive number 93/13, in particular Article 4(2) and Article 8 thereof, must be interpreted as meaning that the court of a Member State is required to verify that a contractual term relating to the main subject matter of the agreement is plain and intelligible, irrespective of whether or not Article 4(2) of that directive was transposed into the legal order of that Member State.

3. Directive number 93/13, in particular Article 4(2) and Article 5 thereof, must be interpreted as meaning that, with a view to complying with the transparency requirement of a contractual term setting a variable interest rate under a mortgage loan agreement, that term not only must be formally and grammatically intelligible but also enable an average consumer, who is reasonably well-informed and reasonably observant and circumspect, to be in a position to

understand the specific functioning of the method used for calculating that rate and thus evaluate, on the basis of clear, intelligible criteria, the potentially significant economic consequences of such a term on his or her financial obligations. Information that is particularly relevant for the purposes of the assessment to be carried out by the national court in that regard includes (i) the fact that essential information relating to the calculation of that rate is easily accessible to anyone intending to take out a mortgage loan, on account of the publication of the method used for calculating that rate, and (ii) the provision of data relating to past fluctuations of the index on the basis of which that rate is calculated.

4. Article 6(1) and Article 7(1) of Directive number 93/13 must be interpreted as not precluding the national court, where an unfair contractual term setting a reference index for calculating the variable interest of a loan is null and void, from replacing that index with a statutory index applicable in the absence of an agreement to the contrary between the parties to the contract, in so far as the mortgage loan agreement in question is not capable of continuing in existence if the unfair term is removed and annulment of that agreement in its entirety would expose the consumer to particularly unfavourable consequences 693

II. Judgement in Case C-482/18. Of 3 March 2020 – Google Ireland Limited v Nemzeti Adó- és Vámhivatal Kiemelt Adó- és Vám-igazgatósága

1. Article 56 of the Treaty on the Functioning of the European Union must be interpreted as not precluding legislation of a Member State which imposes an obligation to submit a tax declaration on suppliers of advertising services established in another Member State for the purposes of their liability to a tax on advertising, whereas suppliers of such services established in the Member State where the tax is levied are exempt from that obligation on the ground that they are subject to obligations to submit a tax declaration or to register on the basis of liability to all other taxes applicable in that Member State.

2. Article 56 of the Treaty on the Functioning of the European Union must be interpreted as precluding legislation of a Member State which fines suppliers of services established in another Member State for non-compliance with the obligation to submit a tax declaration for the purposes of their liability to a tax on advertising in a series of fines issued within several days, the amount of which, from the second day, is tripled in relation to the amount of the previous fine if it is still found that that obligation has not been complied with, leading to a total amount of several million euros, without the competent authority giving those suppliers of services the time necessary to comply with their obligations or the opportunity to submit their observations, or having itself examined the seriousness of the infringement, before adopting the final decision fixing the total amount of those fines, whereas the amount of the fine which suppliers of services established in the Member State where the tax is levied who fail to comply with a similar obligation to submit a tax declaration or to register contrary to the general provisions of national tax legislation is significantly less and is not increased, in the event of continued failure to comply with such an obligation, in the same proportions, nor necessarily within such a short period of time 699

III. Judgement in case No. C-717/18. Of 3 March 2020 – the implementation of the European arrest warrant against X

Article 2(2) of Framework Decision number 2002/584 of 13 June 2002 must be interpreted as meaning that, in order to ascertain whether the offence for which a European arrest warrant has been issued is punishable in the issuing Member State by a custodial sentence or a detention order for a maximum period of at least three years, as it is defined in the law of

the issuing Member State, the executing judicial authority must take into account the law of the issuing Member State in the version applicable to the facts giving rise to the case in which the European arrest warrant was issued or the law of the issuing Member State in the version in force at the date of issue of that arrest warrant