

Communication concerning the decision of the Curia of Hungary
in civil case n° Pfv.I.21.308/2017

Based on a French court decision, the court of first instance in Hungary issued a certificate of enforcement in part differently from the judgement creditor's request: it refused to issue the certificate in respect of those child support claims that had been more than six months overdue, counting from the date of the request's submission. The court of second instance upheld the first instance decision.

Proceeding upon a petition for judicial review, the Curia quashed the lower instance decisions and pointed out the followings:

The relevant European Union piece of legislation on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations shall, between Member States, take precedence over conventions and agreements which relate to subjects governed by the aforementioned Community norm and to which the Member States are party. Subject to the provisions of the Community norm concerned, the procedure for the enforcement in a Member State of judgements given in another Member State shall be governed by the law of the Member State of enforcement.

Budapest, the 17th of January 2018

Civil Department of the Curia of Hungary