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THE LAW OF LANGUAGE USE IN HUNGARIAN CIVIL PROCEEDINGS, THE APPLICABILITY OF TRANSLATION SOFTWARE

The new Hungarian Civil Procedure Act entered into force on 1 January 2018 and, among other things, re-regulated the rules on the use of language in civil proceedings. In addition to the national law, EU and international law provisions apply to exercising the right to use language.

The study presents the rules of Hungarian civil procedural law concerning the use of language, i.e., the range of languages that can be used orally and in writing, and the rules on the bearing of costs related to the use of language. It details how these rules reflect Hungary's international legal obligations under the European Charter for Regional or Minority Languages. It also explains which language use provisions must be considered when applying EU law. The Regulation on the service of documents gives the addressee the right to refuse to accept the document. The study explains the content of this right of refusal and the translation obligation of the party requesting service.

Interpretation and translation are closely related to language use. Technological developments have led to the widespread availability of translation and interpreting software. This paper will show to what extent their use in civil proceedings is appropriate in light of the above provisions.

Keywords: use of language, civil procedure, service of documents in EU, EU law.

1. THE RIGHT TO USE LANGUAGE IN HUNGARIAN CIVIL PROCEEDING

1.1. The Framework of Hungarian Procedural Law

According to the Hungarian Constitution, everyone has the right to have any charge against him or her, or any rights and obligations in a lawsuit, adjudicated by an independent and impartial tribunal established by law, in a fair and public trial within a reasonable

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time.¹ The Constitution identifies three branches of judicial activity: criminal, civil and administrative. A new code governs the procedural rules of civil justice, Act CXXX of 2016 on the Code of Civil Procedure, which entered into force on 1 January 2018.

Hungary is an active member of the European Union and the international community. When drafting a new code, the legislator must consider the obligations arising from EU membership and international commitments.² The Constitution stipulates that Hungary shall ensure the consistency of international law and Hungarian law to fulfil its obligations under international law.³

Underlining the significant difference between the right to use language in criminal and civil matters is essential. Concerning civil litigation, there is no obligation under EU law or international law to ensure parties' unrestricted use of their mother tongue, and these limitations are mainly reflected in the rules on the costs of interpretation and translation. In comparison, in EU law, specific legal instruments on judicial cooperation in civil matters and certain international treaties lay down specific rules on the use of language in civil disputes, described in detail below, following a description of the Hungarian national rules.

1.2. New Rules of Use of Language in Code of Civil Procedure

The Hungarian Civil Procedural Code contains a simple and unambiguous main rule regarding the use of language stipulating that the language of court proceedings is Hungarian.⁴ It regulates the rules for using written and oral language in separate paragraphs, including references to obligations under EU and international law. As regards the use of the written language, it stipulates that, unless otherwise provided by law, a binding legal act of the European Union or an international convention, pleadings addressed to the court must be submitted in Hungarian, and the court shall send its pleadings and its decision in Hungarian.⁵ Regarding the use of oral language, it states that in court proceedings, everyone has the right to use their mother tongue or, in the context of an international convention, their mother tongue or regional or national language. In court proceedings, members of all nationalities living in Hungary and recognised by the National Minority Act are entitled to use their national language under international conventions on the use of regional or minority languages.⁶

The new Code was designed to increase litigation efficiency, revise procedural principles to promote efficiency, enshrine good judicial practice in law, and strengthen the role of electronic law.⁷ These conceptual objectives are reflected in the new Code at several points concerning the right to use languages.

¹ Constitution of the Republic of Hungary of 2011 (rev. 2016), Art. XXVIII.

² Art. E(2) of the Constitution.

³ Art. Q(2) of the Constitution.

⁴ Code of Civil Procedure of the Republic of Hungary, Art. 113 (1).

⁵ Code of Civil Procedure, Art. 113 (2).

⁶ Code of Civil Procedure, Art. 113 (3).

⁷ Concept of the new Code of Civil Procedure – 2015. Available at: <https://2015-2019.kormany.hu/download/6/42/40000/20150224%20PP%20koncepti%C3%B3.pdf#!DocumentBrowse> (15. 7. 2024).

The previous Code of Civil Procedure, based on the requirements of equality before the law and national equality, regulated the use of language at a fundamental level and stipulated, among other things, that no one may suffer disadvantages because of not knowing Hungarian.⁸ In practice, the Regulation of these principles and the emphasis on the principle that no one should be disadvantaged has led to courts providing interpretation and translation in civil proceedings, to a greater extent than justified, with advance payments from the state or at state expense. In the previous legislation, the combined interpretation of the rule that exercising linguistic rights and the interpreter's fees were part of the litigation costs needed to be revised. The seriousness of the problem is illustrated by the fact that intending to harmonise the law, the Civil Chamber of the Supreme Court of Justice has also issued an opinion on the bearing of costs concerning the use of language.⁹

The new Code regulates the rules on the use of language in the chapter of general provisions under the heading of other general rules, thus clarifying that the legislator does not consider the use of language as a principle, but a technical issue.

The new regulatory approach will also contribute to litigation efficiency by terminating the uncertainty concerning the costs of language use. Litigants will clearly understand the legal costs they must advance and bear concerning language use. Furthermore, no additional costs will be incurred by the ex-post recovery of unnecessary advances of litigation costs by the state concerning language use.¹⁰ The Civil Code requires the plaintiff to advance the costs of language use, and if they fail to do so despite being ordered to do so by the court, the proceedings shall be suspended.¹¹

Based on the above, two types of exceptions to the general rule on language use can be envisaged: one being a binding legal act of the European Union and the other an obligation based on an international convention. These types of exceptions are described below.

2. THE EUROPEAN CHARTER FOR REGIONAL AND MINORITY LANGUAGES

2.1. Commitments Under the Charter

The European Charter for Regional or Minority Languages (hereafter "the Charter"), concluded within the framework of the Council of Europe, aims to safeguard Europe's cultural richness and traditions by protecting its historic regional or minority languages without prejudice to the official languages and to create ever closer unity between the States Parties.¹² The purpose of the Charter is to guarantee the right to the private and public use of a regional or minority language, as enshrined in several international conventions.¹³

⁸ Art. 6(1) of Act III of 1952 on the Code of Civil Procedure.

⁹ Opinion No. 3/2006 (XI. 27.) PK on the advance payment and bearing of the costs of interpreters and translation in connection with the use of the mother tongue, regional or minority language.

¹⁰ Code of Civil Procedure, Art. 79 (2), (3).

¹¹ Code of Civil Procedure, Art. 121 (1) (e).

¹² European Charter for Regional or Minority Languages of 5 November 1992 (Charter).

¹³ Under the principles set out in the International Covenant on Civil and Political Rights of the United Nations and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms.

The provisions of the Charter are applicable in Hungary from 1 March 1998.

The Charter lays down specific rules on the administration of justice in criminal, civil and administrative matters. For each type of case, the Charter sets out several language preference "packages" from which States Parties can choose how to ensure the right to use languages.¹⁴

Concerning civil proceedings under the Charter, States Parties may undertake, jointly or severally, to (i) ensure that judicial authorities, at the request of a party, conduct proceedings in regional or minority languages and/or (ii) allow a litigant to appear in person before a court in his or her regional or minority language without incurring extra costs and/or (iii) allow the submission of documents and evidence in regional or minority languages, if necessary with the assistance of interpreters and translations.¹⁵

Concerning civil proceedings, Hungary has undertaken the obligations set out in Article 9(1)(b)(ii) and (iii) of the Charter in respect of Croatian, German, Romanian, Serbian, Slovak, Slovene, Romanian and Basque languages. The Charter's commitment in Article 9(1)(b)(ii) means that in civil proceedings in the above-listed regional or minority languages, a litigant who has to appear in person in court should be allowed to use his or her regional or minority language without incurring extra costs. The Charter has also undertaken an obligation in Article 9(1)(b)(iii) for Croatian, German, Romanian, Serbian, Slovak, Slovene, Romani and Basque, which means that, as an exception to the main rule of the Civil Procedure Code, these languages should be allowed to submit documents and evidence in regional or minority languages in civil proceedings, if necessary with the assistance of interpreters and translations. It is essential to underline that Hungary has not undertaken an obligation under Article 9(1)(b)(i) of the Charter to conduct the entire procedure (allowing for both written and oral statements) in a regional or minority language at the request of one of the parties.

It should be stressed that the nationalities recognised in Hungary are Bulgarian, Croatian, German, Greek, Armenian, Polish, Romanian, Ruthenian, Serbian, Slovak, Slovene, Slovenian, Ukrainian and Polish.

The languages listed in Hungary's commitment to the Charter and the languages of the recognised nationalities overlap significantly but are not identical. Legal uncertainty remained regarding the use of Bulgarian, Greek, Polish, Armenian, Ruthenian, and Ukrainian, which the Constitutional Court clarified in the following decision.

2.2. Language Use Rights of Recognised Nationalities Not Mentioned Under Hungarian Commitments

A judge in an administrative case appealed to the Hungarian Constitutional Court, claiming that the Hungarian commitment concerning the Charter and the procedural rules of use of language, as described above, were contrary to the Constitution. In the view of the initiating judge, the rules violate the right of national minorities to use languages and the prohibition of discrimination.

¹⁴ Szalayné Sándor, E. 2016. A nyelvhasználat jogi szabályozhatósága. *Acta Humana*, 3, pp. 9-18.

¹⁵ Charter, Art. 9(1)(b).

It should be noted that the rules of the Civil Procedural Code on the right to use languages apply not only in civil proceedings but also in other proceedings, including the administrative proceedings on which this case is based.

As a basis for the application, the applicant argued that, under the Constitution, all nationalities, including the Ukrainian and Ruthenian nationalities, should be entitled to the rights under the Civil Procedure Code in the same conditions. However, since the Government of the Republic of Hungary has not undertaken any obligation concerning the Ukrainian and Ruthenian languages in the area of civil justice, and therefore the Charter does not provide for an exception to the main rule of the procedural law concerning these languages and thus for the Ukrainian and Ruthenian nationalities, the rights of nationalities and the right to non-discrimination are infringed.

The Constitutional Court examined the petition in merits and found it unfounded.¹⁶

The Constitutional Court confirmed that Hungary had not assumed any international legal obligations concerning the Ukrainian and Ruthenian languages in civil justice. Therefore, the Charter does not protect the rights of the Ukrainian and Ruthenian nationalities in these languages and thus for the nationalities of Ukraine and Ruthenia under the Article 113 (2) of the Civil Procedural Code. The European Union does not have a binding act providing for such an exception, and neither does the European Council and its Additional Protocol nor the International Covenant on Civil and Political Rights.

Concerning the Charter, the Constitutional Court pointed out that the Charter had left it to the States Parties to decide which languages they would undertake to protect and determine the levels of protection provided by the Charter. It stressed that the Charter laid down rules not only on the provision of language use but also on the bearing of the related costs.

Concerning Hungarian national minority law, it stressed that, under the Constitution, national minorities living in Hungary had the right to use their mother tongue under the rules laid down in the sectoral procedural codes. The Constitutional Court has interpreted them in the light of nationality law, and found that the under the Article 113(3) of the Civil Procedure Act any party who is required to appear in person before the court and who is a member of a nationality recognised in the Act on the Rights of Nationalities and who lives in Hungary is entitled to the right to use his or her national language orally in civil proceedings, in administrative proceedings and non-litigation proceedings, exempt from the payment of the costs (interpreter's fees) incurred in this connection. Under Article 113(2) of the Civil Procedure Act, a member of a recognised nationality living in Hungary has the right to submit to the court documents and evidence in his or her national language, if necessary, with the assistance of interpreters and translations. However, concerning the use of written languages, Hungary has not made any commitment in the Charter to provide written communication free of charge to persons belonging to the minorities listed in the Charter. However, the rules on, for example, cost discounts for members of national minorities are also applicable in this case.

¹⁶ Hungarian Constitutional Court's Decision No. 2/2021 (I. 7).

Based on the above, the Constitutional Court has concluded that the procedural laws permit the use of language by members of national minorities as stipulated by the National Minority Act, both orally and in writing. However, it also noted a difference in the costs of language use between the languages of the recognised national minorities and the languages covered by the undertaking given concerning the Charter.

Concerning the prohibition of discrimination, the Constitutional Court pointed out that, according to its settled practice, it cannot be considered discrimination if the legislation lays down different provisions for a group of persons with different characteristics because unconstitutional discrimination is only possible within a comparable group of persons belonging to the same category. The disputed provisions of the Civil Procedural Code grant additional rights to members of national minorities, for example, compared to those granted to natural persons whose mother tongue is Hungarian or who do not belong to a national minority.

The Constitutional Court pointed out in its reasoning that, under the Civil Procedural Code, all nationalities have the right to use their mother tongue in civil proceedings. If a party who is a member of a nationality recognised by the law and who is required to appear in person before the court wishes to use his or her national language in person, he or she may do so without incurring any extra costs, that is to say, the cost of providing an interpreter remains borne by the state. They are also entitled to use the language of their nationality in writing, as they can submit documents and evidence in their national language in civil proceedings, but not free of charge. The Constitutional Court has pointed out that this right does not apply to regional or minority languages in the absence of an undertaking with respect to the Charter. Moreover, the Charter also does not require the acceding States to attach legal aid to all forms of language use. It has found no breach of Constitutional rules and stressed that the responsibility of the legislator to set the scope of the state's obligation to bear the costs of some aspects of the litigation also in view of the budgetary constraints.

3. THE RULES ON THE USE OF LANGUAGE IN THE REGULATION OF THE SERVICE OF DOCUMENTS

Binding acts of EU law also influence the rules on the use of language in Hungarian civil proceedings. Among these, the Regulation on the service of documents¹⁷ deserves special mention as a legal instrument binding and directly applicable in the Member States regarding service between the Member States in civil and commercial matters.¹⁸ The Regulation provides for several methods of service. Service may be effected by the use of transmitting or receiving agencies, by consular or diplomatic channels, by a diplomatic representative or consular officer directly in the Member State addressed, by

¹⁷ Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), OJ L 405, 2.12.2020. (Regulation).

¹⁸ Judgment of the Court (First Chamber) of 19 December 2012 in Case C-325/11 Alder [ECLI:EU:C:2012:824].

direct postal services, by electronic means or by direct service.¹⁹ There shall be no subordination between the different methods of service.²⁰

The Regulation lays down rules on the use of language at two levels. First, the right of the addressee to refuse to accept the document applies to all service methods.²¹ On the other hand, it lays down rules on the language in which the bodies involved in the service of documents and the central bodies communicate. An essential element of the right to use languages is the question of the rules on costs, the rules of the Regulation on costs being set out in a separate subsection.

3.1. Right to Refuse to Accept a Document

According to the case law of the Court of Justice, the possibility of refusing to accept a document derives from the need to safeguard the recipient's right to defence, as provided for in the second paragraph of Article 47 of the Charter and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950.²² The purpose of the Regulation on the service of documents is to modernise and expedite the transmission of judicial documents between Member States. However, these objectives cannot be achieved if national provisions in any way weaken the rights of the defence of the addressees. Failure to properly inform the addressee of his right to refuse to accept the document is a substantial but remediable procedural violation.²³

Failure to inform the addressee properly will result in service being deemed improper and the time limit for exercising the right to refuse not being triggered.²⁴ In the absence of proper service, the court seized of the dispute may not give a decision which has the force of *res judicata*, including a decision on the substance of the matter and a decision determining the procedural sanction applicable to the other party affected by service, nor may it attach any legal force or enforceability to it. A decision based on improper service may be subsequently effectively challenged, a refusal of recognition may be sought in a cross-border context, and enforceability may be challenged in a purely national context by an application for revocation of the enforcement order under Hungarian law.

The new Regulation on the service of documents improves the procedure for the addressee's right to refuse to accept a document if it has not been drawn up or translated into the appropriate language.²⁵

¹⁹ For rules on the various methods of service, see section 12 of the Regulation.

²⁰ Judgment of the Court (Third Chamber) of 9 February 2006 Case C-473/04 *Plumex* [ECLI:EU:C:2006:96].

²¹ Art. 12(6) of the Regulation.

²² Promulgated by Act XXXI of 1993.

²³ Judgment of the Court (First Chamber) of 16 September 2015 in Case C-519/13 *Alpha Bank Cyprus* [ECLI:EU:C:2015:603].

²⁴ Judgment of the Court (Fourth Chamber) of 7 July 2022 in Case C-7/21 *LKW Walter* [ECLI:EU:C:2022:527].

²⁵ Ammon, U. 2006. Language conflicts in the European Union. *International Journal of Applied Linguistics*, 16(3), pp. 319-338.

The conditions for the lawfulness of a declaration of refusal to accept a document have not changed since the first Regulation. The addressee still has the right to refuse if the language of the document to be served is not the language which the addressee understands, or an official language of the Member State addressed or, if that Member State has several official languages, the official language or one of the official languages of the place where service is to be effected.²⁶

Under the above rule, the addressee shall not have the right to refuse to accept service of a document in an official language of the Member State addressed, irrespective of whether they understand that official language. The conclusion to be drawn from that rule, in particular in the light of the fact that it has remained unchanged since the first Regulation on the service of documents, is that in respect of a person residing in a Member State, European Union law requires that person to be able to administer documents in the language of that Member State.

The new Regulation on the service of documents has doubled the time limit for the addressee to make a statement of refusal to accept a document to two weeks from the service date.²⁷ The statement of refusal may be sent in writing on the form prescribed by the Regulation or by other written declaration to the receiving agency or, in the case of other service methods, to the "sending" agency.²⁸ The Regulation makes it clear that the "sending" institution decides the validity of the exercise of the right of refusal and that a duly repeated service may remedy any irregularity in the service.²⁹

In addition to the above, the Court of Justice case law provides guidance on the lawfulness of refusal of service and the adequacy of linguistic knowledge. The court in the Member State of transmission must ensure that the addressee has been informed of their right to refuse service under the Regulation. In doing so, whether the addressee has been duly informed, whether the defect has subsequently been remedied in the absence of such information or in the event of irregular service and whether such person was not prevented from exercising their right to refuse service. In light of all the circumstances of the case, it is necessary to assess the addressee's language knowledge since legal language is different from everyday and business language.³⁰ Therefore, for example, the use of a language stipulated in the course of a business activity does not constitute sufficient knowledge of the language required for court proceedings.³¹

The question of which documents should be translated to be served appropriately cannot be avoided. Here again, the case-law of the Court of Justice provides guidance, according to which the addressee of a document instituting proceedings may not refuse to accept it if it puts the addressee in a position to enforce their rights in the Member State of origin in the context of judicial proceedings, provided that the document

²⁶ Art.12(1) and (6) of the Regulation.

²⁷ Art. 12(3), (6) of the Regulation.

²⁸ Art. 12(4), (6) of the Regulation.

²⁹ Art. 12(5), (6) of Regulation (EC) No 1246/2004.

³⁰ Order of the Court (Tenth Chamber) of 28 April 2016 in Case C-384/14 *Alta Realitat* [ECLI:EU:C:2016:316].

³¹ Judgment of the Court (Third Chamber) of 8 May 2008 in Case C-14/07 *Weiss* [ECLI:EU:C:2008:264].

contains an annexe of supporting documents, which are not drawn up in the language of the Member State addressed or in a language of the Member State of transmission which the addressee understands, but are purely evidential documents and are not indispensable to an understanding of the subject-matter and the pleas in law and main arguments of the applicant. The national court shall determine whether the content of the document instituting the proceedings is sufficient to enable the defendant to assert their rights or whether the sender is required to remedy the lack of a translation of an indispensable annexe.³² Thus, for example, EU law precludes a national legal provision which obliges all businesses to provide all the information on invoices relating to cross-border transactions exclusively in the official language of that federal entity, as otherwise they will be considered null and void.³³

3.2. Language of Communication Between Bodies Concerned for the Regulation

In the practical application of the methods of service governed by the Regulation, communication between these bodies via transmitting and receiving agencies and, for all methods of service, communication with the central body may involve the need for translation. It is established practice that the language of the communication will always be the language of the requested body, i.e., the burden of translation falls on the requesting party, both for the request and for the reply.

The Regulation requires Member States to communicate to the Commission, for publication, the languages accepted for completing the forms.³⁴ The Commission will make this information publicly available on the European Judicial Portal in the European Judicial Atlas in Civil Matters, in the country information section of the Regulation application on the service of documents.³⁵ Typically, Member States accept requests in languages other than their official languages; for example, Hungary receives requests in English, German and French in addition to Hungarian.

It is essential to underline that the range of languages accepted by the Member States for the forms of the Regulation on the service of documents is entirely independent of the addressee's right to refuse to accept the document.

3.3. Rules Relating to the Charging of Costs

The Regulation contains a short and clear provision on the bearing of translation costs. According to this provision, the applicant is to bear translation costs incurred prior to the transmission of the document.³⁶ Regarding the detailed rules, applying national procedural rules becomes necessary.

³² Judgment of the Court (Third Chamber) of 8 May 2008. in Case C-14/07 Weiss [ECLI:EU:C:2008:264].

³³ Judgment of the Court (Grand Chamber) of 21 June 2016 in Case C-15/15 New Valmar [ECLI:EU:C:2016:464].

³⁴ Art. 3(4)(d) of the Regulation.

³⁵ European Justice – Hungary, serving documents. Available at: https://e-justice.europa.eu/38580/HU/serving_documents_recast (15. 7. 2024).

³⁶ Art. 9(2) of the Regulation.

The above shows that the applicant's right to effective legal protection is limited by the need to ensure that the defendant's rights of defence are adequately protected.³⁷ The Hungarian Code of Civil Procedure assigns to the court the task of contributing, in the manner and by the means provided for by law, to the fulfilment of the parties' procedural obligations in order to ensure the concentration of proceedings. The purpose of the court's intervention activity is to facilitate the exercise of the parties' right to be heard; its means are questioning, calling for statements, and providing information.

Where cross-border service is necessary, the court's duty to intervene requires it to inform the parties, in particular the party requesting service, of the methods of service provided for by the Regulation on the service of documents and the relevant rules on the right of the addressee to refuse to accept service. In particular, the requesting party should be informed of the possible need for the documents to be translated and the languages that may be used.

Regarding the costs of translation, the Hungarian procedural rule³⁸ is aligned with the Regulation on the service of documents, according to which the applicant is to advance the costs of service of a court document abroad not relating to the taking of evidence under a binding European Union act or an international convention.³⁹ The costs of service of the document abroad relating to the taking of evidence are to be determined by the rules on the interest of the taking of evidence.⁴⁰ Failure to advance the costs shall entail, in the first case, the consequences of a stay of proceedings and, in the second case, the consequences of failing to give evidence in the absence of other evidence.⁴¹

The Regulation refers to the law of the requesting state regarding the form of translation accepted. According to this law, a translation may be accepted in addition to a certified translation or a translation considered suitable for use in proceedings under the law of the transmitting Member State.⁴² Hungarian law does not provide for a certified translation. As a general rule, a simple translation may be used in civil proceedings unless otherwise provided by law, EU legislation or international conventions or unless the parties dispute the authenticity of the translation.⁴³

The exact linguistic requirement described concerning the Regulation on the Service of Documents is provided for in, among other regulations the Brussels Ia Regulation,⁴⁴ the Brussels IIb Regulation,⁴⁵ and the Regulation on the European Small Claims

³⁷ Art. 6 of Act CXXX of 2016 on the Code of Civil Procedure on the intervention of the court.

³⁸ Code of Civil Procedure, Art. 79 (4).

³⁹ Art. 265 (1) of the Code of Civil Procedure.

⁴⁰ Code of Civil Procedure, Art. 121 (1) (e).

⁴¹ Code of Civil Procedure, Art. 265 (1).

⁴² Recital 25 of the Regulation.

⁴³ Code of Civil Procedure, Art. 62.

⁴⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters Article, OJ L 351, 20.12.2012.

⁴⁵ Council Regulation (EU) No 2019/1111 of 25 June 2019 on jurisdiction, recognition and enforcement of judgments and decisions in matrimonial matters and the matters of parental responsibility and the expulsion of children Article 55, OJ L 178, 2.7.2019.

Procedure.⁴⁶ In light of the above, the above statement concerning the Regulation on the service of documents appears to be generalisable in the sense that, as regards judicial cooperation in civil matters, the legal persons concerned may be expected to be able to practise in the official language of their state of residence.

4. THE FUTURE OF LANGUAGE USE – THE USE OF TRANSLATION AND INTERPRETATION PROGRAMMES

The Office of the United Nations High Commissioner for Human Rights, in its report "Steps to overcome obstacles and challenges to equal political participation," states that political and social participation rights play a crucial role in promoting the rule of law, human rights and the elimination of discrimination, among other things. It recommends the introduction of measures to overcome language barriers. Such measures could include the use of language technology.⁴⁷ Language technologies are tools capable of processing communication between people and of communicating directly with people, in particular, written translation programs, oral interpretation programs, and language learning aids.⁴⁸

Concerning the use of language, both Hungarian law and the Charter and the Regulation on the service of documents cited in the study contain provisions on the authenticity of translation but do not provide for the method of producing a simple translation, which does not exclude machine translation.

However, recent legislative developments have addressed the possibility of machine translation. EU legislators are considering, in connection of the E-codex system, to allow machine translation at the EU level.⁴⁹

Legal language differs considerably from everyday language because of its complexity and the use of legal terms.⁵⁰ This difference requires specific translation and interpretation skills, and the use of applications developed for ordinary language in a legal context is far from straightforward. For this reason, although simple translations can be produced using translation software in the absence of a prohibition, as described above, they are not currently of sufficient quality in a legal context and, in any case, require appropriate proofreading.⁵¹ An example of this is the operation of the Court of Justice of the European Union, which translates its judgments into all languages, and the

⁴⁶ Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure Article 6, OJ L 199, 31.7.2007.

⁴⁷ Factors that impede equal political participation and steps to overcome those challenges in points 13, 55, 73, 95. General Assembly of the UN. 2014. Factors that impede equal political participation and steps to overcome those challenges - Report of the Office of the United Nations High Commissioner for Human Rights. Available at: <https://documents.un.org/doc/undoc/gen/g14/069/52/pdf/g1406952.pdf> (15. 7. 2024)

⁴⁸ Láncoš, P. L. 2022. A nyelvtechnológia szerepe a kisebbségi nyelvek és a nyelvi kisebbségek társadalmi, politikai és gazdasági részvételének elősegítésében. In *Medias Res*, 5, pp. 67-77.

⁴⁹ eu-LISA. Eu- LISA's approach to multilingualism. Available at: <https://www.eulisa.europa.eu/AboutUs/MandateAndActivities/Multilingualism> (15. 7. 2024).

⁵⁰ Cao, D. 2013. Legal Translation. In: Chappelle, C. A. (ed.), *The Encyclopedia of Applied Linguistics*.

⁵¹ Rules of Procedure of the Court of Justice of the European Union, Art. 41.

judgments are authentic in all languages. Legal translators and linguists continue to use the software, developed for the EU legal language, only as a tool for internal use.⁵² Also, for internal use only, the European Commission provides eTranslation, a cutting-edge neural machine translation service ever produced. The Commission is stressing that it produces raw machine translations. It may be used to get the gist of a text or as the starting point for a human-quality translation, but if the user needs a perfectly accurate, high-quality translation, a skilled professional translator still needs to revise the text.⁵³

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