NATIONAL REPORT FOR HUNGARY ON ELECTRONIC EVIDENCE AND VIDEOCONFERENCING

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Questionnaire for national reports

On electronic evidence and videoconferencing

This questionnaire addresses practical and theoretical aspects regarding the taking of (electronic) evidence and videoconferencing in (cross-border) civil litigation. Each partner should provide substantive answers for their respective Member State (or additional Member State, if specifically stipulated by the coordinator). Certain questions require knowledge on instruments of cross-border enforcement in the EU, particularly Regulation (EU) 2020/1783 ("Recast Taking of Evidence Regulation"). The latter questions address the interplay between national law and the EU regime on cross-border enforcement in civil and commercial matters.

For useful information, especially relating to B IA and cross-border enforcement in the EU, please refer, among other sources, to:

- Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast) (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R1783),
- Impact assessment of the Taking of Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018SC0285),
- Other *travaux preparatoires* of the Recast Taking of Evidence Regulation (see e.g. https://www.europeansources.info/record/proposal-for-a-regulation-amending-regulation-ec-no-1206-2001-on-cooperation-between-the-courts-of-the-member-states-in-the-taking-of-evidence-in-civil-or-commercial-matters/)
- Council Guide on videoconferencing in Cross-border proceedings (https://www.consilium.europa.eu/en/documents-publications/publications/guide-videoconferencing-cross-border-proceedings/)
- The Access to Civil Justice portal hosted by the University of Maribor, Faculty of Law together with the results of our previous projects, especially our previous project Dimensions of Evidence in European Civil Procedure (https://www.pf.um.si/en/acj/projects/pr01/).

The structure of each individual report should follow the list of questions enumerated below, to the utmost extent possible. If authors choose to address certain issues elsewhere within the questionnaire, then they are instructed to make cross-references and specify where they have provided an answer for the respective question (e.g. "answer to this question is already provided in 1.6."). Following the structure of the questionnaire will enable and ease comparisons between the various jurisdictions.

The list of questions is not regarded as a conclusive one. It may well be that we did not foresee certain issues that present important aspects in certain jurisdictions. Please address such issues on your own initiative where appropriate. On the other hand, questions that are of no relevance for your legal system can be left aside. If so, indicate expressly the lack of relevance and consider explaining the reason(s).

Please provide representative references to court decisions and literature. Please try to illustrate important issues by providing examples from court practice. If possible, please include empirical and statistical data. **Where the answer would be "no" or "not applicable", because something is not regulated in your national legal order, please specify how you think it should be regulated**.

Please do not repeat the full questions in your text. There is no limitation as to the length of the reports.

Languages of national reports: English.

Deadline: 31 March 2023.

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1. General aspects regarding electronic evidence

(Note that the following definitions apply:

- *Authentic evidence: the content of evidence was indeed created or drawn by a person or entity declared to be its creator or author; authenticity refers to the genuine source.*
- *Reliable evidence: the content of evidence is true, accurate and non-compromised; reliability refers to the truth and accuracy of content.)*

1.1. Does the law of your Member State provide any definition of electronic evidence?

The law does not provide any definition of electronic evidence.

1.2. Does the law of your Member State define of what is considered as paper document?

The law does not provide any definition of paper (and electronic) documents. The definition was created by the legal literature. Hungarian civil procedure law, which otherwise rather tends to accept the narrower definition of documents, has admitted electronic documents to the range of documents, which is unambiguously revealed by both legal regulation and terminology.[1] *New technical possibilities of recent years have challenged the civil proceduralists law setting out to provide a modern definition for "document". On the appearance of electronic documents, some elements of the old concept must be reconsidered. The definition of document – corresponding to the requirements of our days – may be formulated as follows: the recording of the content of human thought through signs, mainly characters or signs transformable into characters, serving the purpose of the expression of thoughts, where the base or medium and the form of recording are not relevant in themselves but are on the whole suitable for ensuring the permanent retention and reliable reproduction of thought content.*[2]

1.3. How is electronic evidence categorised among means of evidence within the law of your Member State?

Namely, the Hungarian Code of Civil Procedure (Polgári perrendtartás, hereafter: HCCP), - which is the Act No. 130 of 2016 (2016. évi CXXX.törvény), entered into force on the 1st of January 2018, - regulates two categories. On the one hand, electronic documents, which the legislator classified in the category of documents in Hungary from the beginning. On the other hand, the video conference, which the courts have recently (in the last few years) started to use in the practice. Rather, this can be seen as a tool that facilitates the hearing of personal evidence (witnesses, experts) (as an auxiliary tool). Thus, it is not actually included in the system of evidence (only in connection with something, in an ancillary manner)

[1] For more detail, see: Harsági, V. (2003). Elektronische Urkunden als Beweismittel im ungarischen Zivilprozeß. Die Regelung der elektronischen Signatur in Ungarn im Spiegel der Signaturrichtlinie und im Vergleich zur deutschen Lösung. *WGO–Monatshefte für osteuropäisches Recht,* (4), 274-289.; Kengyel, M. & Harsági, V. (2010). *Civil Justice in Hungary.* Jigakusha. 159–160.

[2] Harsági, V. (2005) *Okirati bizonyítás a modern polgári perben.* HVG Orac. 54.; Harsági, V. (2015). *Evidence in Civil Law – Hungary.* Lex Localis. 20.

1.4. Does the law of your Member State explicitly regulate that evidence or data in electronic form has evidentiary value?

By stating this specifically and in a general sense in the text of the law, that electronic evidence cannot be disregarded due to its electronic nature, it does not regulate it in this sense. However, by regulating certain electronic means of proof in detail, it does. Furthermore, it should be noted that in the rapidly developing world of IT, there may be many means of proof that cannot be classified into traditional categories, so the judicial practice can decide on their acceptance (based on the principle of free evidence).
Evidence can be provided in particular through testimony, expert evidence, documentary evidence and inspection. The court may take any other evidence that is suitable for establishing important facts in the lawsuit, if this appears to be expedient from the point of view of deciding the legal dispute, unless the given method of taking evidence conflicts with public policy. (HCCP § 267)
Basically, possible new types of evidence can be evaluated within the framework of free evidence. An exception to this are documents whose probative value is regulated by the legislator and presumptions are attached to them.
It also defines, in certain cases, technical prerequisites that are necessary for the evidence to be considered reliable or for the presumption to be attached to it.

1.5. Does the law of your Member State explicitly differentiate between electronic and physical private documents as evidence?

The legislator does not differentiate between them in terms of legal effects, but precisely regulates the (technical) prerequisites for becoming a certified document.
According to § 325 of the HCCP, a private document has full evidentiary value if
a) the issuer wrote and signed the document with his own hand,
b) two witnesses certify that the signatory of the document signed the document that was not written by him in whole or in part in front of them, or recognized his signature as his own signature in front of them; as proof, the document is signed by both witnesses, and the name and - unless the law provides otherwise - the place of residence of the witness, or, failing this, the place of residence, must also be legibly indicated on the document,
c) the signature or signature of the signatory of the document is certified by a judge or a notary public on the document,
d) the document is duly signed by the person authorized to represent the legal entity according to the applicable rules,
e) by legally countersigning the document drawn up by a lawyer or chamber legal adviser, he proves that the signatory of the document signed the document written by someone else in front of him or recognized his signature as his own signature in front of him,
f) on the electronic document, the signatory has placed his electronic signature or stamp with increased security based on a qualified or qualified certificate, and - if the law so provides - he has placed a time stamp,
g) the electronic document is authenticated by the signatory using the document authentication service traced back to the identification specified in the Government Decree, or
h) it was created within the framework of a service defined by law or government decree, or a certified trust service applied in a closed system, where the service provider assigns the document to the person of the issuer through the identification of the issuer and the assignment to the person together with data clearly traceable to the issuer's own signature or the authenticates based on; furthermore, the service provider encloses the certificate issued for a clear personal order in an inseparable clause linked to an

electronic document and provides it together with the document with at least a high-security the service converted it into a written format according to the service supported by artificial intelligence as defined in the Government Decree, the draft of the statement converted into written format was approved by the issuer, and the document was authenticated as defined in the Government Decree.

If the signatory of the document cannot read or does not understand the language in which the document was drawn up, a private document with full probative value will only be created if it is clear from the document itself that its content was explained to the signer of the document by one of the witnesses or the authenticating person.

A private deed with full evidentiary force proves with full evidentiary force that the signatory of the deed made the statement contained in it, accepted it or recognized it as binding on him.

The private document according to points f) and g) proves with full evidentiary force the role of the person making the statement according to the Act 222 of 2015 on the general rules of electronic administration and trust services (E-Administration Act, 2015. évi CCXXII. törvény az elektronikus ügyintézés és a bizalmi szolgáltatások általános szabályairól) at the time of making the statement, if the role is

a) you are certified in the role certificate of the role certification service provider

b) it is included in the proof of the document authentication service traced back to identification.

The authenticity of a private document with full probative value must be proven only if it is doubted by the opponent or if the court finds it necessary to prove its authenticity.

If the authenticity of the signature on a private document with full probative value is not disputed or proven, or if nothing else follows from the result of checking data that can clearly be traced back to the issuer's own handwritten signature within the framework of at least enhanced security electronic signature or stamp or a trust service used in a closed system, the signature or stamp prior to the signature or stamp text - in the case of an electronic document, the signed or stamped data - shall be considered unfalsified until the contrary is proven, unless the document has irregularities or deficiencies that overturn this presumption.

The authenticity of the signature on a private document with full probative value or the non-forgery of the text - in case of doubt - can also be established by comparing it with other documents whose authenticity is not in doubt. To this end, the court can also order a written test and, if necessary, have the results and the disputed document or signature examined by an expert.

If the identity of the signer or creator of an electronic document with at least an enhanced security electronic signature or stamp, or the non-forgery of the document is in doubt, the court will first of all contact the trust service provider that issued the certificate for the electronic signature or stamp in order to establish these. In case of doubt regarding the data verified by the time stamp attached to the electronic document, the court will primarily contact the trust service provider performing the time stamp. In the case of an electronic document issued in the framework of a trust service used in a closed system, where the service provider orders the document to the person issuing the document and authenticates the order to the person with data clearly traceable to the issuer's own handwritten signature, the court will primarily look to the trust service provider of the closed system.

In the case of an electronic document, the signed or stamped data shall be considered unfalsified until proven otherwise based on the certification of the storage service provider, if the service provider

a) confirmed the validity of the authentication of the electronic document upon receipt for storage,

b) the storage complies with the conditions specified in the Government decree, the E-administration Act certified archiving service or electronic document storage as part of a central electronic administration service, and

c) certifies the authenticity of the electronic document as specified in the Government Decree.

With regard to simple private documents (without qualified probative value), we do not find any special regulations regarding electronic documents, since the court can consider their probative value in the context of free evidence. According to § 326 of the HCCP, no legal presumption is attached to a private

document - if it was not issued according to one of the methods listed above - and its probative value is established by the court in accordance with the general rules of evidence by taking into account all the data of the trial and evidence, except if legislation
a) regulates the probative value of a given private document differently, or
b) prescribes a document issued in a specified form for documentary proof.
According to Section 320 (5) of the HCCP, the court may dispense with other evidence for a fact that can be proven by a document.

1.6. Does the law of your Member State recognise the special evidentiary value of public documents, and does this also apply to electronic public documents?

Yes, the Hungarian civil procedure law recognise the special evidentiary value of public documents, and this also apply to electronic documents. However, this has strict technical prerequisites.
Pursuant to § 323 of the HCCP, a public document is a paper-based or electronic document issued by a court, notary public or other authority or public administrative body in accordance with legal provisions.
A public document must be considered original until the contrary is proven, but the court may call on the issuer of the document ex officio to make a statement regarding the authenticity of the document.
The public document proves it with full probative force
a) that the issuer took the measures contained therein or made a decision with the contents contained therein,
b) the reality of the data and facts certified by the public document,
c) making the declaration contained in the public document, its time and method.
The electronic public document proves with full evidentiary force that at the moment of signing the public document, the issuing person has the E-administration Act according to your role, if the role
a) you are certified in the role certificate of the role certification service provider
b) it is included in the proof of the document authentication service traced back to identification.
In the case of electronic public documents, legislation may also allow E-administration Act in a different way. full evidentiary proof of role according to
In order to issue an electronic public document, it is also necessary for the person entitled to issue the public document to place a high-security electronic signature or stamp based on a qualified or certified certificate on the electronic document - unless the law provides otherwise, and if the law so provides, a time stamp. Legislation can declare other documents or - regardless of the data carrier - other things as public documents. There is also room for counter-evidence against a public document, unless it is excluded or limited by law.
According to Section 320 (5) of the HCCP, the court may dispense with other evidence for a fact that can be proven by a document.

1.7. Describe the legal effects of changing the form of electronic evidence to physical.

According to § 324 of the HCCP, a copy made of a public document has the same probative value as the original public document - regardless of the copying technology and data carrier - if the copy is made by a body authorized to issue or preserve a public document, and if it was made by another person or organization under their control, as well as, if it was prepared in accordance with the rules of the central electronic administration service for certified copies according to the E-Administration Act. If a copy included in a public document is made of a document that is not a public document, the public document only proves that its content is the same as the original document that is not a public document.

§ 327 of the HCCP stipulates that a paper-based or electronic copy of a document issued or kept by a legal person proves with full probative force that its content is the same as the original document, provided that the legal person that issued or kept the document, duly certified this by issuing a copy in accordance with point d) or f) of Section 325 (1)[3] of the HCCP. The probative force of a copy made by a legal person is the same as the original document, unless the copy is made from a public document.
It is a common practice before filing the case that the plaintiff obtains a notarial certification of the current content of a website (so as to conserve it for the purpose to be later evidence before the court). This way he will be able to prove contents of the website later (after the changing or canceling the content of the website). It is accepted by the court and in these cases there is no need for IT specialists as an expert.

1.8. Describe the legal effects of changing the form of physical evidence to electronic.

See point 1.7.

1.9. Explain the rules and what is considered to be an original and what a copy (the concept of original).

Instead of the original document, it is also sufficient to provide it in an authentic or simple copy, if the opposing party does not object to this, and the court does not consider it necessary to provide the original document.
If a document prepared from the original document (copy, recording, document created via data carrier) provided by the proving party is considered a private document or a public document with full probative value, the court will assess it as the burden of the adverse party if it does not produce the original document in its possession during the counter-evidence at will.
If only a part of a book or other larger document is used as evidence, it is sufficient to make available only this part as an extract, unless, according to the judgment of the court, it is necessary to make the document available in its entirety for any reason.
The court may order that the original document or a copy or extract thereof be attached to the documents; if a more important original document must be attached to the documents, the court will ensure its preservation.
The court decides on the issuance of the documents and other attachments attached to the documents - if necessary, after hearing the interested parties. If the court deems it necessary, it can make the issuance of the document or other attachment dependent on the attachment of a simple or certified copy. (HCCP § 321)

1.10. Describe the legal effects of a copy of electronic evidence within the law of your Member State.

See points 1.7. and 1.9.

[3] See point 1.5.

2. Authenticity, reliability and unlawfully obtained electronic evidence

2.1. Are there any particular procedure, guidelines, mechanism or protocol on how the parties shall obtain electronic evidence in order to preserve their authenticity and reliability before submitting them to the court?

There are no special provisions in this regard other than those related to the documents and explained in point 1 and its sub-points.Among those explained in point 1, the following rules may be emphasized here: In the case of an electronic document, the signed or stamped data shall be considered unfalsified until proven otherwise based on the certification of the storage service provider, if the service provider
a) confirmed the validity of the authentication of the electronic document upon receipt for storage,
b) the storage complies with the conditions specified in the Government decree, the E-administration Act certified archiving service or electronic document storage as part of a central electronic administration service, and
c) certifies the authenticity of the electronic document as specified in the Government Decree. [§ 323 (8) of the HCCP]

In other respects, if there is any doubt about the authenticity and reliability, an expert can be used to prove it.

2.2. Is there any particular procedure on how the court should identify the source of electronic evidence?

There are no special provisions in this regard other than those related to the documents and explained in point 1 and its sub-points.
Among those explained in point 1, the following rules may be emphasized here:
A public document must be considered original until the contrary is proven, but the court may call on the issuer of the document ex officio to make a statement regarding the authenticity of the document. HCCP § 323 (2)
The authenticity of a private document with full probative value must be proven only if it is doubted by the opponent or if the court finds it necessary to prove its authenticity. HCCP § 323 (4)
If the authenticity of the signature on a private document with full probative value is not disputed or proven, or if nothing else follows from the result of checking data that can clearly be traced back to the issuer's own handwritten signature within the framework of at least enhanced security electronic signature or stamp or a trust service used in a closed system, the signature or stamp prior to the signature or stamp text - in the case of an electronic document, the signed or stamped data - shall be considered unfalsified until the contrary is proven, unless the document has irregularities or deficiencies that overturn this presumption. § 323 (5) of the HCCP
If the identity of the signer or creator of an electronic document with at least an enhanced security electronic signature or stamp, or the non-forgery of the document is in doubt, the court will first of all contact the trust service provider that issued the certificate for the electronic signature or stamp in order to establish these. In case of doubt regarding the data verified by the time stamp attached to the electronic document, the court will primarily contact the trust service provider performing the time stamp. In the case of an electronic document issued in the framework of a trust service used in a closed system, where the service provider orders the document to the person issuing the document and

authenticates the order to the person with data clearly traceable to the issuer's own handwritten signature, the court will primarily look to the trust service provider of the closed system. § 323 (7) of the HCCP

In all other respects, if there is any doubt about the identity, an expert can be used to prove it.

2.3. Does the law of your Member State stipulate different rules or provisions for different types of electronic evidence?

There are no special provisions in this regard other than those related to the documents and explained in point 1 and its sub-points. If there is any doubt about the authenticity and reliability, an expert can be used to prove it. See as well point 2.2.

2.4. Does an unfamiliarity with the technical part and a (high) possibility of manipulation of electronic evidence impact its evidentiary value?

This - with the exception of what is explained in point 1 of the questionnaire and its subsections - can primarily be the subject of an expert opinion.

2.5. When should the court appoint experts to process electronic evidence?

Since the entry into force of the new HCCP (January 1, 2018), the main rule in Hungary is not the appointed expert, but the expert invited by the parties. There is no known specific rule when an expert must be employed to examine electronic evidence. In general, however, it can be said that based on Section 300 of the HCCP, an expert must be employed if special expertise is required to define the framework of the legal dispute or to establish and assess a significant fact in the lawsuit.

2.6. Who bears the costs if an expert needs to be appointed to assess the reliability, authenticity and (un)lawful manner of obtaining electronic evidence?

Pursuant to Section 79 of the HCCP, unless otherwise provided by law, the cost associated with the proof shall be advanced by the proving party. If the opponent of the proving party is not exempt from advance payment of the cost and undertakes it voluntarily, the cost or a part thereof shall be advanced by the opposing party of the proving party.
Based on the general rules on the bearing of costs, the legal costs of the winning party are reimbursed by the losing party. (HCCP § 83)

2.7. What options are available to a party claiming that electronic evidence has been compromised, tampered with, manipulated or obtained illegally (e.g. by hacking into an IT system)?

The Hungarian legal system has not introduced a special procedure for this. But the rules on illegally obtained evidence, which have been regulated since the entry into force of the new HCCP, can be applied in such cases. (see more details in the next point)

2.8. How is the admissibility of compromised or illegally obtained electronic evidence regulated within the law of your Member State?

The HCCP regulates the issue of illegally obtained evidence in general, there are no special rules for electronic evidence.
According to § 268 of the HCCP, the means of proof must be suitable for the court to obtain evidence that can be used to establish important facts in the trial and that can be taken into account during the deliberation. In particular, witnesses, experts, documents, video recordings, audio recordings, video and audio recordings, and other physical evidence can be used as means of proof. The means of proof cannot be used if it is required by law
a) excludes, or
b) binds it to a condition, unless the existence of the condition can be established.
Pursuant to § 269 HCCP, evidence or its separable part is unlawful and cannot be used in a lawsuit,
a) which was obtained or produced by violating the right to life and physical integrity or by threatening to do so,
b) which was created in other illegal ways,
c) which was obtained in an unlawful manner, or
d) whose submission to the court would violate privacy rights.
The means of proof is clearly unlawful if this can be clearly established as a fact based on the available evidence and data. The court ex officio takes into account the obvious illegality of the means of proof and informs the parties thereof.
If the means of proof is not obviously illegal, the opponent of the party presenting the means of proof must immediately announce its illegality. After the order closing the trial has been issued, the party may refer to the illegality of the means of proof if it becomes aware of it later, through no fault of its own, and announces it within fifteen days of becoming aware of it.
The court - except for the case according to point (a) - will use the unlawful means of proof exceptionally
a) the nature and extent of the infringement,
b) the legal interest affected by the infringement,
c) the effect of the illegal evidence on the discovery of the facts,
d) the weight of other available evidence, and
e) all the circumstances of the case
can be considered.
If the unlawful means of proof cannot be used and the proving party is unable to prove a significant fact in the lawsuit in another way, the court may apply the rules of evidentiary necessity.
The rules relating to unlawful means of proof must also be applied to evidence based on the statement of facts, professional opinion, testimony or other statement of the person contributing to the proof.
The use of an unlawful means of proof in a lawsuit does not affect the party's criminal, infraction, or civil liability. The proving party must be warned of this.

2.9. Which party carries the burden of proving the (in)authenticity or (un)reliability of electronic evidence?

According to § 256 of the HCCP, in the absence of a different provision of the law, significant facts in the lawsuit must be proved by the party whose interest it is that they are accepted by the court as true, and this party also bears the consequences of the failure or failure of the proof. There are two possible deviations from this general rule. One - regulated in the cited § - so-called necessity of proof, and the other is presumptions related to the documents, which can reverse the burden of proof. (see point 1)
A party is in a position of evidentiary necessity if it is probable that

a) only the adverse party has the data essential for his evidentiary motion, and he proves that he has taken the necessary measures to obtain them,
b) it is not possible for him to prove the statement of facts, but the opposing party can be expected to prove the non-existence of the stated facts, or
c) the success of the proof was thwarted by the opposing party, who can be blamed for it,
and the adverse party does not make it probable that the provisions of points a)-c) are contrary.
In the event of an evidentiary necessity, the court may accept the fact to be proved by the party in an necessity situation as true, if there is no doubt about it.

2.10. Does the court have the discretion to challenge the authenticity and reliability of electronic evidence even if neither party objects the authenticity and reliability of electronic evidence?

Basically, you don't have this option ex officio. Only exceptionally, as authorized by law.
E.g. section 323 (2) of the HCCP the public document must be considered original until the contrary is proven, however, the court may call on the issuer of the document ex officio to make a statement regarding the authenticity of the document.
Section 325 (4) and (5) of the HCCP. the authenticity of a private document with full probative value must be proven only if it is doubted by the opponent or if the court finds it necessary to prove its authenticity. If the authenticity of the signature on a private document with full probative value is not disputed or proven, or if nothing else follows from the result of checking data that can clearly be traced back to the issuer's own handwritten signature within the framework of at least enhanced security electronic signature or stamp or a trust service used in a closed system, the signature or stamp prior to the signature or stamp text - in the case of an electronic document, the signed or stamped data - shall be considered unfalsified until the contrary is proven, unless the document has irregularities or deficiencies that overturn this presumption.
According to § 613 of the HCCP, if the party has chosen to maintain contact electronically or is obliged to do so, it is an exception to the electronic submission, if the paper-based presentation and viewing of the document is required in the procedure; this can be done especially if the authenticity of the paper-based document is disputed. Paper-based submission can be ordered by the court ex officio or at the party's motion.

2.11. How is the manipulation or (un)lawful manner of obtaining electronic evidence assessed by the court in the case of a challenge?

See. points 2.1., 2.2. and 2.8.

2.12. What are the consequences if the court finds that evidence was indeed compromised or obtained illegally?
See. points 2.1., 2.2. and 2.8.

2.13. Does the law of your Member State enable for the parties to submit written statements of witnesses?
The HCCP specifically does not provide for this option. In practice, it happens that such evidence is presented to the court. Written evidence is usually assessed as a document by the court, the (visually and) audio recorded testimony as a (visual and) audio recording (assessed by the appropriate

application of the rules of documentary evidence). The problem with these solutions is that it would be difficult to evaluate it as testimony, because it is not possible to comply with the strict requirements of the law regarding the hearing of the witness. In principle, it is conceivable that a warning about the consequences of false testimony will be given beforehand, but the judge cannot check whether the witness is not reading the text on the audio recording. Given before a notary public, such a testimony can even be worry-free.

3. Duty to disclose electronic evidence

3.1. How is the duty to disclose electronic evidence regulated within the law of your Member State?

The general rules apply related to the duty to disclose electronic evidence. Pursuant to § 265 of the HCCP, in the absence of a different provision of the law, significant facts in the lawsuit must be proved by the party whose interest it is that they are accepted by the court as true, and this party also bears the consequences of the failure or failure of the proof. Based on § 275 of the HCCP, the party is obliged to indicate the fact to be proved and the means of proof in the motion for proof. When providing the document and the physical means of proof, the party is obliged to indicate the fact to be proved.
Based on § 276 of the HCCP, the court orders evidence to establish the facts necessary to decide the case. The court may order evidence ex officio if it is permitted by law. The court is not bound by the evidentiary motion presented by the party, nor by its decision regarding the admission of evidence. The court waives the order of proof if a) the party does not present the evidentiary motion in accordance with the provisions of this law, unless the law provides otherwise, b) the party obliged to advance the costs associated with the proof - despite the invitation - did not fulfill its obligation to advance. The court shall refrain from ordering evidence or conducting evidence that has already been ordered, if it is unnecessary for the adjudication of the legal dispute.
Pursuant to § 320 of the HCCP, if a party wishes to prove its factual statements with a document, it must be attached to its submission or presented at the hearing. At least a simple Hungarian translation must be attached to a document in a foreign language. If there is any doubt as to the correctness or completeness of the translated text, an authentic translation must be used; in the absence of this, the document will be ignored by the court. At the request of the proving party, the court may oblige the adverse party to provide a document in its possession, which it is otherwise obliged to issue or present according to the rules of civil law. Such an obligation is imposed on the opposing party in particular if the document was issued for the benefit of the proving party, or if it demonstrates a legal relationship with him, or if it relates to a hearing related to such a legal relationship.
The rules of necessity of proof may also be applicable. (see. point 2.9)

3.2. What is the scope of the party's duty to disclose electronic evidence within the law of your Member State?

With regard to the time frames, after the conclusion of the pre-trial, until the hearing before the first-instance judgment is adjourned, the party may submit an additional evidentiary motion or provide additional evidence if the
a) it serves to prove or counter-prove the fact referred to as the basis of your claim or counterclaim, provided that it arose later or became aware of it later through no fault of your own,
b) it serves to refute the probative value of a proof or the result of a proof, provided that the means and means of the possibility of counter-proof became recognizable to him only from the conducted proof,
c) serves to prove or counter-prove the fact cited as the basis for changing your claim or counterclaim, provided that the court allows the change of claim or counterclaim,
d) it became necessary as a result of the court's case management following the adoption of the order closing the pre-trial, or
e) serves to support or refute the new factual statement.
The court will ignore the evidence or evidence presented contrary to these provisions. (HCCP § 220)
For other aspects of the question, see points 2.9. and 3.1.

3.3 Does the duty to disclose electronic evidence apply to third persons?

In this regard, there are no special rules for electronic evidence either.
According to Section 320 (3) of the HCCP, if the document is in the possession of a person who does not participate in the lawsuit, the court will take measures to obtain the document by applying the rules on inspection.

3.4. Are there any limits to the duty to disclose electronic evidence specified within the law of your Member State?

Yes, there are such limitations. These are multidirectional. On the one hand, in a general sense, it can be said that, based on the principle of litigation concentration, the court and the parties must strive to ensure that all the facts and evidence necessary to reach a verdict are available at such a time that the legal dispute can be decided in one trial. (HCCP § 3) According to the basic principle of the parties' obligation to support the procedure and to tell the truth, the parties are obliged to promote the concentrated conduct and completion of the procedure. (HCCP § 4)
On the other hand according to Section 322 of the HCCP, the court shall act upon a party's evidentiary motion to obtain a document or data from a court, notary public, other authority, public administration body or organization, if the party cannot request the release of the document or data directly. The acquisition of the original document can be omitted if it is not necessary to see it and the party presents an authentic or simple copy of it at the hearing. Sending the document can only be refused if it contains classified information. In case of violation of the contributor's procedural obligation, only coercive means (obligation to reimburse incurred costs) according to Section 272, Paragraph (1) b) of the HCCP may be used.
If the document made available, according to the statement of the sender, contains classified data, business secrets, professional secrets or other secrets defined by law, the use of which has not been consented to by the classifier or the person entitled to grant exemption from confidentiality, the court will contact the classifier or the secret holder for the purpose of allowing access to classified data or secrets, unless the content of the document is not classified as a business secret based on the provisions of the law, or the subject of the lawsuit is to decide whether the content of the document is classified as information of public interest.
If the data keeper does not make a statement within eight days of receiving the request, the permission must be considered granted; the secret master must be warned about this. In other cases, the rules on refusal to testify shall be applied. If the secret keeper declares within the deadline that he does not consent to the parties' knowledge of the business, professional or other secret defined by law, this part of the document cannot be used as evidence.
The court informs the parties about the receipt of the documents and - depending on the possible declaration of the confidential holder - about the availability of the documents and whether they can be used in the lawsuit.
A document or part of a document containing classified data, which the classifier did not consent to be made known by the party, cannot be used as evidence in the lawsuit.
The latter cannot be applied if the lawsuit was initiated due to the refusal of access to the document, or if the subject of the lawsuit is to decide whether the content of the document is classified as classified data. In such a lawsuit, the plaintiff, the person intervening on the plaintiff's side, and their representative may not learn of the classified data during the procedure. Other persons participating in the lawsuit, as well as their representatives, can only get to know the classified data if they have completed their national security check.

The court ensures that other data not mentioned in § 322 of the HCCP and protected by law are not made public or come to the knowledge of an unauthorized person, and that the protection of data defined by law is also ensured in court proceedings.

3.5. What are the consequences of a violation or non-compliance with the duty to disclose electronic evidence?

See points 2.9., 3.1., 3.4.

3.6. Have there been any problems before the national courts in your Member State arising from differences in national regulations of the duty to disclose electronic evidence, or are such problems to be expected in the future?

No such specific case could be found.

4. Storage and preservation of electronic evidence

(Storage and preservation of electronic evidence refer to the preservation of electronic evidence in active cases which have not yet been concluded with a final act. For archiving electronic evidence in closed cases, see the next part of the questionnaire.)

4.1. How is the storage and preservation of electronic evidence regulated within the law of your Member State?

The Tenth part of HCCP, entitled "The application of electronic technologies and devices" also contains the main rules of the courts' relationship and communication with each other and with the experts, making copies, and to some extent the storing evidence and inspecting documents. Technical details are basically defined by two pieces of legislation. One is the aforementioned E-Administration Act, the other is the Decree of the Minister of Justice No. 14/2002. (VIII. 1.) on the rules of court administration (Court Administration Decree) (14/2002. (VIII. 1.) IM rendelet a bírósági ügyvitel szabályairól). The E-Administration Act is accompanied by an implementing regulation: the Government decree No. 451/2016. (XII. 19.) Government decree on the detailed rules of electronic administration [451/2016. (XII. 19.) Korm. rendelet az elektronikus ügyintézés részletszabályairól] and OBH instruction No. 17/2014. (XII. 23.) on the uniform document management regulations of the courts (hereinafter: OBH instruction) [17/2014. (XII. 23.) OBH utasítás a bíróságok egységes iratkezelési szabályzatáról].

4.2. Provide a short overview of requirements, standards, and protocols for properly storing and preserving electronic evidence.

The Court Administration Decree stipulates the 23/A. § that submissions arriving at the court through the central electronic service system are received by the person appointed by the head of the court - within the deadline stipulated in the Government decree No. 451/2016. (XII. 19.) Government decree on the detailed rules of electronic administration, after receipt, print out the application, its attachments, and the document containing the receipt number generated by the central system and submit it according to the general rules.

According to § 12 (1) of the Government Decree, an electronic document is authentic if
a) it is considered a private document with full evidentiary value and - if the law so provides - it has been stamped with a time stamp,
b) it has been provided with at least a high-security electronic signature or stamp and - if the law so provides - a time stamp of the body providing electronic administration - or of the person authorized to issue on its behalf - at least.
c) placed in the document validity register,
d) the signatory or person authorized to issue has authenticated it using the document authentication service traced back to identification,
e) in the case of use only in the closed IT system of the body providing electronic administration, it was recorded in the body's closed IT system, or
f) authenticated in another way specified by law.
The declaration contained in the authenticated electronic document must be assumed to have remained unchanged since it was made.

According to § 13 (1) of the Government Decree if the document is included in the document validity register, the correspondence between the copy and the electronic document placed in the document validity register and the authenticity of the electronic document can be established if
a) the correspondence of the electronic document with the electronic document placed in the document validity register can be established,
b) the correspondence of the content of the paper-based document with the electronic document placed in the document validity register can be established based on the visual appearance.
According to § 325 (1) point h) of the HCCP, document authentication services with electronic signatures clearly traceable to the exhibitor's handwritten signature or other biometric characteristics can only be provided through an IT system and trust service that
a) guarantees the authentic presentation of the entire content of the document to be signed and provides the signatory with the opportunity to fully familiarize himself with the content of the document,
b) guarantees the encrypted storage of data and biometric information traceable to manual signatures in such a way that these data and information can only be accessed under regulated conditions, in a protected and closed environment, excluding unauthorized access,
c) guarantees the inseparability of the authenticated document from the data and biometric information traceable to the manual signature,
d) places the authenticated document, as well as the data and biometric information that can be traced back to the manual signature, into a digital archive that is protected against the obsolescence of encryption and fingerprinting algorithms, is suitable for maintaining long-term authenticity, and is suitable for over-authentication and archiving,
e) uses tools to record data and biometric information that can be traced back to hand signatures, which enables the use of these data and information by forensic handwriting experts in handwriting identification procedures,
f) secure, its operating organization has an information security management system certified by an accredited independent certification organization. (Government Decree §16/A.)

As regards the technical requirements, based on Section 616 of the HCCp, the court provides the electronic court document prepared by it with an electronic stamp that complies with the conditions specified in law or government decree according to Regulation 910/2014/EU. A document prepared by a court and with an electronic stamp that complies with the conditions defined by law or government decree is a public document.
The E-Administration Act 100/A. According to §, a natural person acting in the performance of a public duty can verify his or her role with a role certification service provider role certificate designated in the Government Decree. The Government may appoint a government authentication service provider as the role authentication service provider. The 100/C. On the basis of §, the Government provides a role certification platform service as a central electronic administration service for the uniform use of role certificates. This law also contains the most important rules for their data management.

4.3. Is electronic evidence stored in one central location, or is the storage decentralised?

A central system operates in the country. Pursuant to Section 615 of the HCCP, the National Court Office (NCO) (Országos Bírósági Hivatal), by using the IT system for this purpose, ensures that the court can be continuously contacted through the service delivery system. The National Court Office and the court are entitled to process the data of those who communicate electronically for the purpose of ensuring electronic communication.
Court Administration Decree 75/C. According to §, the file management of cases involving electronic communication is shared between the court and the NCO, in a mixed system. The president of the NCO

is responsible for this document management of the NCO; the chairman of the NCO may delegate his related duties.
According to Section 5 (1) of the Court Administration Decree, the records indicated must be kept electronically, using a computer program approved by the president of the National Court Office. Other administrative acts can be carried out electronically if permitted by law. In the electronic procedure, classified and confidential data, as well as personal data, must be submitted on paper or on a data carrier in a sealed envelope. The court must draw the attention of the participants in the proceedings to this.
According to § 9 of the OBH instruction records must be kept electronically, using BIIR, EIR or other records management software. The court creates an E-file by saving the electronic documents belonging to the file of the court case and by making authentic electronic copies of the paper-based documents belonging to the case file. In practice, this essentially works in the following way. In the Integrated Information System of the Courts (called: Bírósági Integrált Informatikai Rendszer / BIIR) automatically records document, image and audio formats received electronically from legal representatives. But if e.g. it is submitted to the court during the trial on a pen drive or CD, then it is attached to the file by the court, but it can also be uploaded to the BIIR at the same time. Therefore, it is archived even before the end of the case.

4.4. Who is entitled to carry out the activities related to storing and preserving electronic evidence?

Basically the courts and the National Court Office. See point 4.4

4.5. Who may access electronic evidence in a particular case and how?

Courts and the National Court Office. See point 4.4
According to § 620 of the HCCP, the court provides the possibility of electronic access to the documents of the case for those entitled to inspect the documents based on the provisions of the law. The detailed rules for this are contained in the Court Administration Decree. According to § 12/G Court Administration Decree, the party, the intervener, the interested party, the representative of the party, the intervener and the interested party can access the electronic documents created in the ongoing case and contained in the electronic case file through the Customer Document Access System (Ügyfél Irathozzáférési Rendszer, hereinafter: ÜIR). The intervener can exercise the right after the decision authorizing the intervention has been made, and the interested party can exercise the right after the order allowing him or her to enter the lawsuit becomes legally binding. Registration of the applicant is required to use the ÜIR. During the registration, the applicant is obliged to comply with E-Administration Act electronically identified in accordance with the law.In order to ensure access to the electronic documents of the electronic file, the registered applicant must submit an access request. The application must be submitted separately for each case.
Pursuant to § 12/H of the Decree the applicant may apply for access rights in a case to which he is entitled based on the customer information sheet issued by National Court Office (NCO). NCO publishes the customer information on the central website. Through the ÜIR, it is not possible to access those documents that the applicant cannot view, know, or make copies of based on the law.
According to § 12/A-B. of the Court Administration Decree, the use of the Court Electronic Information and Warning System (Bírósági Elektronikus Tájékoztatási és Figyelmeztetési Rendszer, hereinafter: BETFR) requires the registration of the party or its representative. The applicant can request a warning

and access through BETFR. The applicant may request a warning and access in a case to which he is entitled based on the information issued by the National Court Office.

4.6. How is the accessibility of stored electronic evidence preserved over time?

According to Section 129 (1) of the Government Decree, the electronic document storage service (EDT) can be used to:
a) temporary storage, where the service provider determines the longest period of storage undertaken, taking into account the risk arising from the technological limitations of the solution used for storage,
b) the electronic filing service, as well as
c) long-term storage, where the service provider is obliged to ensure that the storage of the document is updated as necessary due to the limitations of storage technology.
In the case of the service according to point b) provided to a body providing electronic administration under the scope of the government decree on the general requirements for document management of bodies performing public duties, the EDT service provider may also carry out certain document management operations related to the stored documents, as part of this
a) acceptance for storage and return can be carried out in accordance with the rules of archive management, covering the document formats, the additional accompanying and metadata prescribed therein,
b) the storage and disposal of stored documents can be carried out based on the specific provision of the body providing electronic administration, and
c) the storage can also be provided in accordance with the rules regarding the IT service background of document preservation for archival management.
If, due to the document format of the electronic document taken over for permanent storage, the openability of the electronic document cannot be ensured, the service provider is entitled to convert the electronic document into another document format. The service provider signs the transformed document, indicating the fact and time of the format change, the creator's name or identifier in the case of using a machine service, as well as information related to the authentication of the original document. The service provider authenticates the converted electronic document together with the clause with an electronic stamp.

4.7. How is the transmission of electronic evidence to other courts (e.g. to an appellate court) carried out in order to preserve the integrity of evidence?

The court maintains contact with another court electronically using the system described above (see point 4.3). An exception to electronic contact is if the paper-based presentation and viewing of the document ordered to be delivered is required; this can be done especially if the authenticity of the paper-based document is disputed. (HCCP § 610)

4.8. What are the rules regarding the conversion of electronic evidence into physical evidence and vice versa?

According to Section 605 (4) of the HCCP, if the party or its representative who is not a legal representative does not agree to electronic service, but electronic service is mandatory for the other party or has agreed to it, the court shall judge the party submitting the paper-based document, or representative's submissions are digitized and delivered electronically to the other party.

According to § 611 of the HCCP, in the case of electronic communication, the representative shall attach the power of attorney available as an electronic document or digitized by him as an attachment to the letter of claim or the first submission submitted to the court. If the court has serious doubts in this regard, in the case of a digitized power of attorney, the court will invite the representative to present the original power of attorney in order to establish the agreement.
According to § 613 of the HCCP, the party or representative who is obliged to communicate electronically and chooses to communicate electronically - if the document attached to the submission is not available as an electronic document - must ensure the digitization of the paper-based document attached to the submission and the preservation of the paper-based document . The court has five working days to digitize the paper-based document - in the manner specified by law. The time required to digitize the document - no more than five working days - must be disregarded from the point of view of calculating the deadline. If the party has chosen to maintain contact electronically or is obliged to do so, it is an exception to electronic submission if the procedure requires paper-based presentation and viewing of the document; this can be done especially if the authenticity of the paper-based document is disputed. Paper-based submission can be ordered by the court ex officio or at the party's motion. The court shall deliver a paper-based copy of the statement of claim submitted electronically to the defendant in the manner specified by law, if the defendant is not obliged to maintain electronic contact or the contact information for electronic contact of the defendant who is required to maintain electronic contact is not known. The court informs the defendant that he can submit his counterclaim, counterclaim or other submission electronically or - if he is obliged to do so - he must submit it electronically.
According to § 13/A. Court Administration Decree, if the case file is available as an electronic document, during the issuance of the paper-based copy, the copy is made based on the printed copy of the electronic document. If the court decision, of which a paper-based copy is requested, was created as an electronic document, the date of the time stamp placed on the electronic document must be indicated on the copy, as well as who provided the electronic document with an electronic signature and what kind of electronic signature is on it. According to § 15/B, if the court is obliged by law to issue an electronic copy of a paper-based document, the copy must be made using a scanning device, and the provisions of the government decree must be applied accordingly.
Court Administration Decree 75/E. According to §, if the document to be served on a paper basis is available as an electronic document, the court makes a paper copy of the document in one copy and - if its image is the same as the image of the electronic document - a clause is placed on the first page of the paper copy of the copy. The text of the clause is as follows: "The document is a paper-based copy of an electronic document." The delivery of a paper-based copy made of an electronic document must be carried out with a copy of the copy of the paper-based copy with a clause.
If the document to be served electronically is available as a paper-based document, the court makes an electronic copy of the document and - if its image is the same as the image of the paper-based document - it places a clause per file on the first page of the electronic document with the same registration number. The text of the clause is as follows: "The document is an electronic copy of a paper-based document.

5. Archiving of electronic evidence

(Archiving of electronic evidence only refers to the preservation of electronic evidence in closed cases that have already concluded with a final act. Please include all information regarding the storing and preserving of electronic evidence in active cases in the preceding part of the questionnaire.)

5.1. How is the archiving of electronic evidence regulated within the law of your Member State?

Details are basically defined by the aforementioned E-Administration Act; the Decree of the Minister of Justice No. 14/2002. (VIII. 1.) on the rules of court administration (Court Administration Decree) (14/2002. (VIII. 1.) IM rendelet a bírósági ügyvitel szabályairól); the Act No. LXVI of 1995 on public documents, public archives and the protection of private archive material (Public Archiv Act) (1995. évi LXVI. törvény a köziratokról, a közlevéltárakról és a magánlevéltári anyag védelméről), and OBH instruction No. 17/2014. (XII. 23.) on the uniform document management regulations of the courts (hereinafter: OBH instruction) [17/2014. (XII. 23.) OBH utasítás a bíróságok egységes iratkezelési szabályzatáról].

5.2. Shortly explain the requirements, standards and protocols for properly archiving electronic evidence.

Court Administration Decree 75/C. § after the completion of the procedure, the documents and data stored in the register (register program) maintained with a program approved by the President of the National Court Office (NCO) must be preserved (saved or stored) in a secure manner - ensuring the integrity and accessibility of the documents and data. The task of the NCO is to ensure that the stored documents and data are continuously accessible, and that the technology necessary for their readability is available. The task of the NCO is to create an IT environment that ensures that stored documents and data are accessible within five working days at the most. If access to stored documents and data is required for the conduct of the procedure, the administrative deadline shall be calculated after the documents and data become accessible.
According to § 6 (5) OBH instruction, the court keeps the electronic files and documents created during its proper operation, as well as the electronically archived case files and documents, in an electronic archive.
According to § 9 of the OBH instruction records must be kept electronically, using BIIR, EIR or other records management software. The court creates an E-file by saving the electronic documents belonging to the file of the court case and by making authentic electronic copies of the paper-based documents belonging to the case file. In practice, this essentially works in the following way. In the Integrated Information System of the Courts (called: Bírósági Integrált Informatikai Rendszer / BIIR) automatically records document, image and audio formats received electronically from legal representatives. But if e.g. it is submitted to the court during the trial on a pen drive or CD, then it is attached to the file by the court, but it can also be uploaded to the BIIR at the same time. Therefore, it is archived even before the end of the case.

5.3. Is electronic evidence archived in one central location, or is archiving decentralised?

There is a centralized system. See point 5.2.

5.4. Who may carry out the archiving of electronic evidence?

See point 5.2.

5.5. Must electronic evidence be archived indefinitely, or must it be deleted or destroyed after a certain period? How is the accessibility of archived electronic evidence preserved over time?

According to § 191 of the OBH instruction the court stores paper-based case files in a file repository, and electronic files in an electronic file repository. The subsequent readability, retrievability, and use of electronically stored and archived documents must be ensured until the expiration of the retention period. Judges and judicial employees assigned to the court can use the paper-based case files or the electronic data carrier or the case files stored in the electronic file store for official use, in order to perform their duties, based on their user rights, by attaching or merging the documents, and based on the special authorization of the president of the court.
The detailed rules for the storage period and destroy of documents are contained in § 198 and 199 of the OBH instruction.

5.6. What are the rules regarding the conversion of electronic evidence into physical evidence and vice versa?

See point 4.8.

6. Training on IT development

6.1. Are the judges, court personnel or other legal practitioners required to undergo any training on technological developments relevant to taking, using and assessing electronic evidence?

According to § 76 (7) Act No. CLXI of 2011 on the organization and administration of courts [a bíróságok szervezetéről és igazgatásáról szóló 2011. évi CLXI. törvény (Bszi.)] operation of the training system for judges falls under the authority of the president of the National Court Office. This task is primarily carried out by Hungarian Academy of Justice (Magyar Igazságügyi Akadémián / MIA) (Bszi. § 171/A). Detailed information about the courses can be found on the following website: https://birosag.hu/birosagokrol/birosagi-szervezet/obh/mia/kepzesi-rend

7. Videoconference

7.1. In general, does the law of your Member State provide for videoconference technology to be used in civil proceedings?

In civil proceedings videoconference technology can be used. The Tenth part of HCCP (§§ 622-627.), entitled "The application of electronic technologies and devices" also contains the main rules of the videotechnology.

7.2. Does the law allow for videoconference technology to be used solely for the taking of evidence or also for conducting other procedural stages of the hearing? Videoconference in your Member State may be used for:
a) Witness testimony
b) Expert witness testimony
c) Inspection of an object (and/or view of a location)
d) Document (document camera)
e) Party testimony
f) Other means of evidence (please elaborate)
g) Conducting the hearing in broader/general terms (please elaborate)

According to § 622 of the HCCP, the court may, on the party's motion or ex officio order, that the hearing of the party and other participant of the litigation, the witness, and the expert, and - if the owner of the object of inspection does not object - the conduct of the inspection via an electronic communication network take place if
a) it seems appropriate, especially if it speeds up the procedure,
b) the hearing at the designated location of the trial or personal hearing would involve significant difficulty or a disproportionately large cost increase, or
c) this is justified by the personal protection of the witness.
The order ordering the hearing via the electronic communication network is delivered by the court together with the subpoena for the hearing, personal hearing or inspection to the summoned parties. The court shall immediately send the order ordering the hearing via the electronic communication network to the court or other body providing a separate room for the hearing via the electronic communication network.

7.2.1. If the law allows for (remote) view of location, how would such a videoconference be practically implemented?

The Via Video application they use is not suitable for technical reasons (due to the installed system, bandwidth, and the system of the endpoints). With other applications, such as Skype (business version) it would be possible in principle, but this was primarily used during the COVID 19 epidemic, today Via Video is used.

7.3. Which applications (software) are used for videoconferencing in civil court proceedings?

Basically the so-called "Via Video" application is used for the videoconferencing in civil court proceedings.
This system works end-to-end. Remote hearing endpoints have currently been set up at 202 court locations.[4]
In practice, however, since not many endpoints had been built during the COVID19 epidemic, the Skype application (the business version) was also used for a while. Today, only the Via Video application is in use.

7.3.1. Are the applications (see Question 7.3.) commercially available?

The Via Video application was developed for this purpose and is not commercially available.

7.3.2. Are the applications (see Question 7.3.) interoperable with other applications?

The Via Video application can be used combined with other suitable applications (e.g. Skype, Zoom, Teams), in such a way that the court starts the conference call with the Via Video application, but the lawyers and parties can join the call with other applications, too.

7.3.3. Does the application allow a text-based chat function during the videoconference; does it allow screen sharing and sharing of documents?

Via Video application does not allow a text-based chat function during the video conference and does not allow screen sharing and sharing of documents.
The judge cannot share the document opened on his computer with the other participants of the video conference. This is now possible if there is a separate document scanner that places the paper-based document under it and thus becomes visible to others.

7.4. From the perspective of case management and party autonomy, under which circumstances is the use of videoconferencing technology allowed in your Member State when taking evidence?

See. point 7.2.

7.5. From the perspective of case management and party autonomy, under which circumstances is the use of videoconferencing technology allowed in your Member State when conducting hearings?

See. point 7.2.

7.6. If the court orders the use of the technology, may the parties oppose that decision? If so, how do the parties make their opposition clear (e.g. appeal)?

[4] https://birosag.hu/birosagokrol/digitalis-birosag/tavmeghallgatas-via-video-projekt

There is no separate appeal against the court order.
The party may object to the irregularity of the procedure at any time during the procedure. If the party presents the objection orally at the hearing, it must be recorded in the minutes. If the court accepts the objection, the procedural action affected by the objection will be carried out in a regular manner or repeated if necessary. If the court rejects the objection, it makes a decision on this, and it must justify its decision in its judgment at the latest. (HCCP § 156)

7.7. Does the law of your Member State provide that courts can, in civil procedure cases, impose coercive measures against a witness or a party to provide testimony?

There are coercive measure against the witness: he or she can be fined or brought (by the police) to the court in order to provide testimony, the court may oblige him or her to reimburse the costs incurred (HCCP § 272). In this regard, there are no special rules for video conferencing.

7.7.1. Under which circumstances may a witness refuse testimony?

He or she cannot be heard as a witness who
a) acted as a defense attorney, on an issue that he became aware of as a defense attorney,
b) has not been exempted from confidentiality, on a question that is classified as classified data.
The obligation of confidentiality continues even after the termination of the legal relationship on which it is based.
Which authority or body is competent for exemption from confidentiality in each case is determined by law.
The matters for which exemption is requested must be indicated in the exemption request.
Despite these provisions, the testimony of a heard witness cannot be taken into account as evidence. (HCCP § 289)

A person may refuse to testify who is:
a) a relative of any of the parties,
b) the one who would accuse himself or a relative of committing a crime as a result of the testimony, in the matter related to it,
c) who is obliged to maintain confidentiality by virtue of his profession, if he would violate his obligation to maintain confidentiality by testifying, unless the interested party exempts him from this obligation,
d) a person who is obliged to maintain business secrets in the matter in respect of which the testimony would violate his duty of confidentiality, unless the data affected by the testimony are not classified as business secrets based on the provisions of the law on access to public information in the public interest or in the public interest, or if the subject of the lawsuit is deciding whether the relevant data is considered to be of public interest or public data in the public interest,
e) a mediator or expert who acted in the mediation procedure conducted in the case affected by the legal dispute,
f) the media content provider, as well as the person who has an employment relationship or other legal relationship with him, if his testimony would reveal the identity of the person who provided him with information in connection with the media content provider's activities, in the related matter.
If the witness is forced to testify in the cases specified in this § despite his thorough reference to his immunity, the witness's testimony cannot be taken into account as evidence.(HCCP § 290)

In this regard, there are no special rules for video conferencing.

7.7.2 Does the law of your Member State allow for cross-examination?

According to 295 HCCP at the request of the party initiating the hearing of the witness, the president may allow the witness to be directly asked questions first by the party initiating the hearing, and then - in the case of a request of such content by the opposing party. In this case, after the parties, the president and the other members of the council are entitled to ask the witness questions.

As to the video conferencing § 625 HCCP only says that when the hearing begins, or if the personal hearing or inspection is conducted by a court secretary[5], the court secretary informs the person being heard via the electronic communication network that it will be heard via an electronic communication network. In other respects, in this regard, there are no special rules for video conferencing.

7.8. If videoconference technology is used to conduct hearings, how (if at all) can the court and/or parties terminate the use of videoconference technology and revert to regular (on-site) proceedings?

In the same hearing, it is impossible to switch to the attendance form due to the physical distance, but the next meeting can already be held with the presence of the participants.

7.9. Does the law (or best practice) provide, that the court should – before ordering the use of videoconference technology – check (please elaborate):
a) the internet connection availability (and/or speed) of the persons involved in the videoconference;
b) the technical equipment of the persons involved in the videoconference;
c) the technical literacy of the persons involved in the videoconference;
d) the physical capacity of the persons involved in the videoconference (e.g. if they are located in the Member State, their health status (hospitalisation; vocalisation, hearing and seeing));
e) other (please specify)?

Since the system basically supports end-to-end communication, this question is only relevant if, exceptionally, the participant is not connected in this way, but with his or her own devices. Regarding this, however, there are no detailed rules regarding what is written in the first sentence.

7.10. Does the law (or best practice) offer special safeguards for vulnerable persons?

Since the system basically supports end-to-end communication, this question is only relevant if, exceptionally, the participant is not connected in this way, but with his or her own devices. Regarding this, however, there are no detailed rules regarding what is written in the first sentence.

7.11. Does the law of your Member State provide:

[5] Court secretary has a law degree, bar exam, but not but he or she has not yet been appointed a judge.

a) The location of the persons engaged in the videoconference (i.e. where the videoconference must or may be conducted) and the use of virtual filters and backgrounds?

Section 623 of the HCCP states the following about the place of the hearing.
During the hearing via the electronic communication network, the immediacy of the connection between the location of the trial, the personal hearing or the inspection and the location of the hearing or inspection via the electronic communication network (hereinafter referred to as: the hearing via the electronic communication network) shall ensure the immediacy of the connection between the moving picture and the is provided by a device that simultaneously transmits sound. A hearing via electronic communication network may also take place using the designated location of the trial, personal hearing or inspection and several other hearing locations via electronic communication network, if their direct connection can be ensured. For the hearing via the electronic communication network, the room is made available by the court or other body that has the necessary conditions to ensure the operation of the electronic communication network and other conditions for the conduct of the hearing.
Although, as we can see, the court-to-court connection is the principle rule, other locations also occur in practice.

aa) How does the law sanction a person who does not conduct the videoconference at the designated location?

Pursuant to § 624 of the HCCP, the person being heard via the electronic communication network and the holder of the object of examination - in the building of the court or other body - must appear in the room created for this purpose and to be present during the hearing.
If you violate this obligation, sanctions according to the general rules may be applied against you (see point 7.7)
Although, as we can see in point 7.11.a), the court-to-court connection is the principle rule, other locations also occur in practice.

ab) Are there any rules for the inspection of the location where the person heard is situated and the privacy it offers?

HCCP contains rules regarding the end-to-end (court2court) system. During the hearing via the electronic communication network, it must be ensured that the participants present at the designated location of the hearing or the personal hearing, or the inspection, can see the person being heard in the room designed for the hearing via the electronic communication network, as well as all those present at the same time as the person being heard person. Furthermore, it must be ensured that all points of the room designed for the hearing via the electronic communication network are visible to the president or court secretary present at the designated location of the hearing, personal hearing, or inspection.
It must also be ensured that the heard person staying in the room designed for the hearing via the electronic communication network can follow the course of the trial. (HCCP § 625)
According to § 624 of the HCCP, the president and the court secretary also state that only persons whose presence is permitted by law are present in the room set up for the hearing via the electronic communication network, and that the person being heard is not restricted in his or her procedural rights in practice.

ac) Suppose a person lives in a one-room apartment with family or a room rented with friends, and cannot find another suitable location. Does the law allow the presence of family members, roommates etc. in such cases? If yes, do these persons have to identify themselves?

Since the system basically supports end-to-end (court2court) communication, this question is only relevant if, exceptionally, the participant is not connected in this way, but with his or her own devices. Regarding this, however, there are no detailed rules regarding what is written in the first sentence.
If such a hearing does take place in practice, these questions can be resolved using the general rules on the judge's duty to maintain order in the courtroom (by analogy).
They can be considered as the audience of the hearing (if the rules regarding the publicity would not preclude this for some other reason).

b) the time when the videoconference may be conducted?

The working hours are the time limit, but if the started hearing is not completed, it can be continued after 4 pm. In practice, when person from abroad should be heard, there may be slippage due to the difference in time zones, that is, a hearing at a different time than usual.

c) the apparel and conduct of the persons taking part in the videoconference?

Judges and lawyers also wear robes during the video conference (and the public prosecutor in public interest cases).

d) the identification of the persons taking part in the videoconference?

HCCP contains rules regarding the end-to-end (court2court) system. According to § 624 of the HCCP, the identity of the person being heard via the electronic communication network is determined by the president conducting the hearing, and the president conducting the personal hearing - if the personal hearing or inspection is conducted by a court secretary, then by the court secretary.
Proof of the identity of the person being heard via the electronic communication network
a) on the basis of the data provided by him or her in order to verify his identity and residential address and
b) by presenting your identity card or residence permit through the technical means specified in the law is happening.
If the court has ordered the witness's data to be handled in private, during the presentation of the witness's identity card or residence permit through the technical means specified in the law, it must be ensured that only the presiding judge - if the hearing or inspection is conducted by the court secretary continues, the court secretary - you can look at it.
The court is the person being heard via the electronic communication network
a) on the correspondence of the data provided in order to verify his identity and residential address with the registration data, and
b) on the conformity and validity of your official identity card and residence permit document, suitable for proving your identity, with the registration data
it can also be verified electronically or by directly accessing the databases.

According to § 626 of the HCCP, the court may order a hearing via an electronic communication network in such a way that the identity and location of the witness cannot be established (secret hearing). During the secret hearing, the identity of the witness must be identified in accordance with the rules detailed above for confidential data, and the unique characteristics of the witness suitable for establishing the identity must be technically distorted during the mediation. During the secret hearing, the president prohibits the condition of a question or the answering of a question that could lead to the identification of the contributor's person and place of residence.

7.12. Can (or must) a videoconference be recorded?

The videoconferences should be recorded a saved in the so-called BIIR system (see point 4.3.).

7.12.1. Does the recording of a videoconference contain video feedback from all cameras in the court or only the camera in focus?

The recording of the videoconference does not contain video feedback from all cameras in the court. The person who is speaking is always visible on the screen. It is also recorded in the video in this way.

7.12.2. Which persons are shown on video during the videoconference?

See point 7.12.1.

7.12.3. How (which medium and format) and where is the footage of the videoconference stored and later archived?

It is stored and later archived in Mp4 video file format in the centralized so-called BIIR system (see point 4.3.), at a remote server.

7.12.4. Does the footage of the videoconference enter the record of the case?

The video record forms part of the electronic file of the case.

7.12.5. Who has access to view the footage after it has been recorded?

In this matter, the general rules for access to documents shall be applied (see point 4.5.)

7.12.6. Presume that the proceedings have concluded at the first instance and an appeal or other recourse has been submitted by the party. May the second instance court access and view the recording of the videoconference?

The court of second instance has access, when enter the BIIR system, the court can see the entire electronic case file (documents, minutes, submissions, videos etc.).

7.12.7. If the court orders *ex post* transcription of the hearing, does the court reporter write the Minutes of the case by transcribing the footage of the videoconference or is there a separate audio log for transcription?

The minutes is not made from recording of the videoconference, but it is made simultaneously in the trial.
According to § 627 HCCP, in the case of a hearing via an electronic communication network, the minutes of the hearing, personal hearing, or inspection must include the recording of the circumstances of the hearing via the electronic communication network, as well as the identity of those present in the room designed for the hearing via the electronic communication network.

7.13. Concerning court interpreters – does the law (or best practice) provide for successive or simultaneous interpretation during the videoconference?

There is a successive interpretation during the videoconference.
Simultaneous interpretation could also cause a technical problem, as the Via Video system always shows the person who is currently speaking and simultaneous interpretation would disturb the system (perhaps the image would constantly switch between the two participants).

7.13.1. Where is the interpreter located during the videoconference?

The interpreter is located in the court room during the videoconference.

7.14. Immediacy, equality of arms and case management

7.14.1. How does the law of your Member State generally sanction an infringement of the principle of immediacy?

In general there is not any direct sanction. However, during the second-instance proceedings, the court examines compliance with the procedural rules, which affected the substantive decision.

7.14.2. Does the law of your Member State specify any special aspects regarding the principle of immediacy when using videoconferencing technology?

See point 7.11.ab) (§ 625 HCCP) and point 7.11.d) (§ 626 HCCP).

7.14.3. Have your courts dealt with cases alleging an infringement of the principle of immediacy or the impartiality of judges in videoconference proceedings?

No relevant legal case of this kind can be found.

7.14.4. How do parties (and their advocates) express objections or pose questions during a videoconference?

See point 7.7.2.

7.14.5. How does an inspection of an object take place during a videoconference?

In the courtroom, the camera is attached to the wall and fixed, but can be moved using the control panel on the judge's table. You can focus the camera on the object (for example on the knife).

7.14.6. Can documents only be presented by means of a document camera or also through the use of file/screen sharing in the videoconference application?

See points 7.3.3. and 7.14.5.

7.14.7. During the videoconference, does the application (software) highlight only the person actively speaking or are all participants visible at all times (and at the same size)?

See point 7.12.1.

7.14.8. Suppose that the connection becomes unstable, and the quality of the audio and/or video feed drops. One of the parties considers that the quality does not allow for correct testimony. Consider also that the video feed breaks down before or in the middle of the videoconference and only the audio feed is available. What options do the court and parties have in regards to the continuation of the videoconference? Can a continuation in such circumstances constitute grounds for appeal?

It happens sometimes, that the Internet connection is unstable, but in many of these cases the affected participant cannot even connect to the system. But if it happens while hearing, a break can be ordered. If this does not help either, because it is not possible to build up a better Internet connection, then the solution is to postpone the trial, which may also be held in person. If the problem affects a person whose participation in the trial is mandatory, then it must be postponed.
As for the remedy, see point 7.14.1.

7.14.9. If one party enjoys a better audio-visual experience due to better technical equipment and/or internet connection than the other, and the court allows the continuation of the proceedings, can the other party allege a breach of equality of arms?

If this significantly affects the quality and feasibility of the video conference, then the court should proceed according to point 7.14.9.

7.14.10. During the videoconference, the court suspects that a person being heard is receiving outside help/suggestions or is under duress. Can the court order the person to turn the camera

and show the apartment or share their screen? Can the court request the person to shut down other technological devices in their vicinity during the videoconference? Can the court request that other persons be removed from the location of the videoconference?

Since the system basically supports end-to-end (court2court) communication, this question is only relevant if, exceptionally, the participant is not connected in this way, but with his or her own devices. Regarding this, however, there are no detailed rules regarding this issue.
If such a hearing does take place in practice, these questions can be resolved using the general rules on the judge's duty to maintain order in the courtroom (by analogy).
In my opinion, the judge can do what is listed in the question within the framework of maintaining order in the "courtroom".

7.15. Does the law (or best practice) provide any special rules for the participation of the party's advocate (e.g. together with the party at the same location, or in separate locations)?

There is no explicit rule for this issue.

7.16. Are there any special rules pertaining to the distribution of costs in case of videoconferencing?

There is no special rule for the distribution of costs videoconferencing.
According to § 79 (1) HCCP - unless otherwise provided by law, - the cost associated with proof shall be advanced by the party providing the proof. If the opponent of the proving party is not exempt from advance payment of the cost and undertakes it voluntarily, the cost or a part thereof shall be advanced by the opposing party of the proving party.
As to the cost of the interpreters, according to § 79 (2) HCCP - unless otherwise provided by law, a binding legal act of the European Union or an international treaty, - the cost associated with the use of the assigned interpreter unrelated to the proof shall be paid in advance by the party whose person made the use of the interpreter necessary.
According to § 83 (1) HCCP - unless otherwise provided by law, - the legal costs of the winning party shall be reimbursed by the losing party.

7.17. How does the law guarantee the publicity of videoconference hearings?

In the case of a hearing via the electronic communication network, the general provisions regarding the publicity of the hearing must be applied, with the provision that the publicity must be ensured at the designated location of the hearing. In a room designed for listening via the electronic communication network
a) the person being heard via the electronic communication network,
b) the person whose presence is permitted or required by law at the hearing or personal hearing, or at the hearing, in connection with the person being heard via the electronic communication network,
c) the person who ensures the operation of the technical devices necessary for listening via the electronic communication network may be present. [§ 624 (2) HCCP]

7.18. The Recast Regulation (EU) 2020/1783 on the taking of evidence in civil or commercial matters provides in Article 20 the primacy of direct taking of evidence through videoconference if the court considers the use of such technology to be "appropriate" in the specific circumstances of the case. What do you consider would fall in the category of "inappropriate"? In addition, should form N in Annex I of said Regulation be supplemented in your opinion (explain how and why)?

Perhaps the hearing of witnesses can be a sensitive area. Whether it is possible to comply with the complex system of rules for hearing witnesses. Different regulations can also cause complications in this area. In my opinion, the form N in Annex I of the Regulation does not need to be amended or supplemented.

This report was prepared by Prof. Dr. Viktória Harsági, who would like to thank Judge Dr. Zoltán Bárdos for the consultation opportunity.

Instructions for contributors

1. References

As a rule, specific references should be avoided in the main text and, preferably, should be placed in the footnotes. Footnote numbers are placed after the final punctuation mark when referring to the sentence and directly after a word when referring to that word only. We humbly invite our authors to examine carefully our sample references which are preceded by [-]. These sample references put the theory of our authors' guidelines into practice and we believe that they may serve to further clarify the preferred style of reference.

1.1. Reference to judicial decisions

When citing national judicial authorities, the national style of reference should be respected. References to decisions of European courts should present the following form:

[Court] [Date], [Case number], [Party 1] [v] [Party 2], [ECLI] (NB: the "v" is not italicised)

- ECJ 9 April 1989, Case C-34/89, Smith v EC Commission, ECLI:EU:C:1990:353.
- ECtHR 4 May 2000, Case No. 51 891/9, Naletilic v Croatia.

1.2. Reference to legislation and treaties

When first referring to legislation or treaties, please include the article to which reference is made as well as the (unabbreviated) official name of the document containing that article. The name of a piece of legislation in a language other than English, French or German should be followed by an italicised English translation between brackets. In combination with an article number, the abbreviations TEU, TFEU, ECHR and UN Charter may always be used instead of the full title of the document to which the abbreviation refers. If the title of a piece of legislation constitutes a noun phrase, it may, after proper introduction, be abbreviated by omission of its complement. Thus:

- Art. 2 Protocol on Environmental Protection to the Antarctic Treaty (henceforth: the Protocol).
- Art. 267 TFEU.
- Art. 5 Uitleveringswet [Extradition Act].

1.3. Reference to literature

1.3.1 First reference

Any first reference to a book should present the following form: [Initial(s) and surname(s) of the author(s)], [Title] [(Publisher Year)] [Page(s) referred to]

- J.E.S. Fawcett, The Law of Nations (Penguin Press 1968) p. 11.

If a book is written by two co-authors, the surname and initials of both authors are given. If a book has been written by three or more co-authors, 'et al.' will follow the name of the first author and the other authors will be omitted. Book titles in a language other than English, French or German are to be followed by an italicised English translation between brackets. Thus:

- L. Erades and W.L. Gould, The Relation Between International Law and Municipal Law in the Netherlands and the United States (Sijthoff 1961) p. 10 – 13.
- D. Chalmers et al., European Union Law: cases and materials (Cambridge University Press 2010) p. 171.

- F.B. Verwayen, Recht en rechtvaardigheid in Japan [Law and Justice in Japan] (Amsterdam University Press 2004) p. 11.

1.3.2 Subsequent references

Any subsequent reference to a book should present the following form (NB: if more than one work by the same author is cited in the same footnote, the name of the author should be followed by the year in which each book was published):

[Surname of the author], [supra] [n.] [Footnote in which first reference is made], [Page(s) referred to] Fawcett, supra n. 16, p. 88.

- Fawcett 1968, supra n. 16, p. 127; Fawcett 1981, supra n. 24, p. 17 – 19.

1.4. Reference to contributions in edited collections

For references to contributions in edited collections please abide by the following form (NB: analogous to the style of reference for books, if a collection is edited by three or more co- editors only the name and initials of the first editor are given, followed by 'et al.'):

[Author's initial(s) and surname(s)], ['Title of contribution'], [in] [Editor's initial(s) and surname(s)] [(ed.) or (eds.)], [Title of the collection] [(Publisher Year)] [Starting page of the article] [at] [Page(s) referred to]

- M. Pollack, 'The Growth and Retreat of Federal Competence in the EU', in R. Howse and K. Nicolaidis (eds.), The Federal Vision (Oxford University Press 2001) p. 40 at p. 46.

Subsequent references follow the rules of 1.3.2 supra.

1.5. Reference to an article in a periodical

References to an article in a periodical should present the following form (NB: titles of well- known journals must be abbreviated according to each journal's preferred style of citation):

[Author's initial(s) and surname(s)], ['Title of article'], [Volume] [Title of periodical] [(Year)] [Starting page of the article] [at] [Page(s) referred to]

- R. Joseph, 'Re-Creating Legal Space for the First Law of Aotearoa-New Zealand', 17 Waikato Law Review (2009) p. 74 at p. 80 – 82.
- S. Hagemann and B. Høyland, 'Bicameral Politics in the European Union', 48 JCMS (2010) p. 811 at p. 822.

Subsequent references follow the rules of 1.3.2 supra.

1.6. Reference to an article in a newspaper

When referring to an article in a newspaper, please abide by the following form (NB: if the title of an article is not written in English, French or German, an italicised English translation should be provided between brackets):

- [Author's initial(s) and surname(s)], ['Title of article'], [Title of newspaper], [Date], [Page(s)]: T. Padoa-Schioppa, 'Il carattere dell' Europa' [The Character of Europe], Corriere della Serra, 22 June 2004, p. 1.

1.7. Reference to the internet

Reference to documents published on the internet should present the following form: [Author's initial(s) and surname(s)], ['Title of document'], [<www.example.com/[...]>], [Date of visit]

- M. Benlolo Carabot, 'Les Roms sont aussi des citoyens européens', <www.lemonde.fr/idees/article/2010/09/09/les-roms-sont-aussi-des-citoyens-europeens_1409065_3232.html>, visited 24 October 2010. (NB: 'http://' is always omitted when citing websites)

2. Spelling, style and quotation

In this section of the authors' guidelines sheet, we would like to set out some general principles of spelling, style and quotation. We would like to emphasise that all principles in this section are governed by another principle – the principle of consistency. Authors might, for instance, disagree as to whether a particular Latin abbreviation is to be considered as 'common' and, as a consequence, as to whether or not that abbreviation should be italicised. However, we do humbly ask our authors to apply the principle of consistency, so that the same expression is either always italicised or never italicised throughout the article.

2.1 General principles of spelling

- Aim for consistency in spelling and use of English throughout the article.
- Only the use of British English is allowed.
- If words such as member states, directives, regulations, etc., are used to refer to a concept in general, such words are to be spelled in lower case. If, however, the word is intended to designate a specific entity which is the manifestation of a general concept, the first letter of the word should be capitalised (NB: this rule does not apply to quotations). Thus:
- [...] the Court's case-law concerning direct effect of directives [...]
- The Court ruled on the applicability of Directive 2004/38. The Directive was to be implemented in the national law of the member states by 29 April 2006.
- There is no requirement that the spouse, in the words of the Court, 'has previously been lawfully resident in another Member State before arriving in the host Member State'.
- Avoid the use of contractions.
- Non-English words should be italicised, except for common Latin abbreviations.

2.2. General principles of style

- Subdivisions with headings are required, but these should not be numbered.
- Use abbreviations in footnotes, but avoid abbreviations in the main text as much as possible.
- If abbreviations in the main text improve its legibility, they may, nevertheless, be used. Acronyms are to be avoided as much as possible. Instead, noun phrases are to be reduced to the noun only (e.g., 'the Court' for 'the European Court of Human Rights'). If this should prove to be problematic, for instance because several courts are mentioned in the text (e.g., the Court of Justice and the European Court of Human Rights), we ask our authors to use adjectives to complement the noun in order to render clear the distinction between the designated objects (e.g., the Luxembourg Court/the European Court and the Strasbourg Court/the Human Rights Court). As much will depend on context, we offer considerable liberty to our authors in their use of abbreviations, insofar as these are not confusing and ameliorate the legibility of the article.

- In English titles, use Title Case; in non-English titles, use the national style.

2.3. General principles of quotation

- Quotations are to be placed between single quotation marks, both in the main text and in the footnotes (thus: 'aaaaa').
- When a quotation forms part of another quotation, it is to be placed between double quotation marks (thus: 'aaaaa "bbbbb" aaaaa').
- Should a contributor wish to insert his own words into a quotation, such words are to be placed between square brackets.
- When a quotation includes italics supplied by the contributor, state: [emphasis added].