



Title	Hungarian Tort Law in Comparative Context - a Case by Case Analysis
Lecturers:	Prof. Ádám Fuglinszky, fuglinszky@ajk.elte.hu , www.fuglinszky.com/en
Brief description:	This course requires the <i>active participation</i> of the students since they shall analyse the cases (to be distributed in advance) also <i>from their own legal systems' point of view</i> . Hungarian and guest students shall work in teams to prepare final presentations. A general framework and the Hungarian perspective will be provided by the lecturer. As a trailer/appetizer cf. the case attached to this schedule in Hungarian, English and Italian. The mandatory reading indicated below (which will be uploaded on the Canvas page of the course) must be read already for the first class by all participants!
Schedule:	<ol style="list-style-type: none">1. Introduction: – the bases of the Hungarian tort law2. Introduction: – The Miracle on the Funeral Truck case3. Non cumul – Contracts and Torts4. Fault based liability5. Fault based liability6. Fault based liability7. Strict liability for dangerous/hazardous activities8. Strict liability for dangerous/hazardous activities9. Liability for others / non-culpable persons10. Liability for others / employees, agents11. Liability for defective buildings12. Liability for animals
Materials/Recommended readings:	<u>Mandatory reading:</u> Fuglinszky, Ádám: Extra-contractual Liability (Torts) and Damages; in: Harmathy, Attila (ed.) Introduction to Hungarian Law, 2nd ed, Kluwer Law International (2019), pp. 179-205. <u>Other recommended readings:</u> See below the schedule.
Assessment/Exam:	<i>The assessment consists of two parts/factors:</i> - Attendance and active contribution during the solving of cases. - In the middle of the semester additional cases will be distributed and the participants – working in mixed pairs/teams including both Hungarian and ERASMUS students – shall present their solutions in the end of the semester within the frame of a mini-conference. ERASMUS students are required to analyse the assigned case from their own legal systems' point of view. In these final presentations the roles will be changed. ERASMUS students and domestic students shall prepare and train each other in order the guest students can present the solutions according to Hungarian law and the domestic students can present the similarities and differences in compare with the guest students' legal systems.

Other recommended readings:

Ewa Bagińska et al.: Recodifying Tort Law in Central Europe in the Beginning of Twenty-First Century (Poland, Czech Republic, and Hungary). (2021) In: Zvonimir Slakoper – Ivan Tot (eds.): The Law of Obligations in Central and Southeast Europe Recodification and Recent Developments pp. 52-66

Barzó Tímea: Medical Liability in the Light of the New Hungarian Civil Code, Practice and Theory in Systems of Education, 2015/1, 107-114.

Fuglinszky Ádám: Risks and Side Effects: Five Questions on the ‘New’ Hungarian Tort Law, ELTE Law Journal, 2014/2, 199-221.

Fuglinszky Ádám: Some Structural Questions on the Relationship Between Contractual and Extracontractual Liability in the New Hungarian Civil Code, in: Menyhárd Attila – Veress Emőd (eds.) New Civil Codes in Hungary and Romania, Springer, 2017, 107-129.

Fuglinszky Ádám: The Immanent Tensions of ‘Compensation’ of Loss of Life – A Multidimensional Model and Some Global Thoughts Based on the Recent Legislative Reform in Hungary, Journal of European tort law, 2023, Vol.13 (3), p.302-334, https://fuglinszky.com/wp-content/uploads/2023/02/10.1515_jetl-2022-0015.pdf

Gárdos-Orosz Fruzsina: Protection of Fundamental Rights by Private Law: Hungary, in: Verica Trstenjak – Petra Weingerl (eds.) The Influence of Human Rights and Basic Rights in Private Law, Springer, 2016, 391-419.

Józan Flóra Krisztina: Considerations about Medical Malpractice, Jura: A Pécsi Tudományegyetem Állam- és Jogtudományi Karának Tudományos Lapja, 2017/2, 327-330.

Juhász Ágnes – Pusztahelyi Réka: Legal Questions on the Appearance of Self-driving Cars in the Road Traffic with Special Regard on the Civil Law Liability, European Integration Studies, 2016/1, 10-28.

Keller Éva – Dósa Ágnes – Sárváry András – Csapó Krisztián – Banczerowski Péter: Methods of Ascertainment of Personal Damage in Hungary, in: Santo Davide Ferrara – Rafael Boscolo-Berto – Guido Viel (eds.) Personal Injury and Damage Ascertainment under Civil Law, Springer, 2016, 209-236.

Kovács Kázmér – Kovács Szabolcs: Indemnification and Insurance Contracts, in: Sándor István (ed) Business Law in Hungary, Patrocinium, Budapest, 2016, 388-405.

Kőhidi Ákos: Major Changes in Tort Law in the New Civil Code, in: Smuk Péter (ed) The transformation of the Hungarian legal system 2010 – 2013, Complex, Budapest, 2013, 341-348.

Menyhárd, Attila ; Hulmák, Milan ; Balliu, Arber ; Stec, Piotr ; Veress, Emőd ; Dudás, Attila ; Hlušák, Milan: Damages, In: Veress, Emőd (szerk.) Contract Law in East Central Europe Miskolc, Magyarország, Budapest, Magyarország : Central European Academic Publishing (2022) 564 p. pp. 419-459. , 41 p.

Menyhárd Attila: XIII. Hungary, in: Ernst Karner – Barbara C. Steiniger (eds.) European Tort Law Yearbook 2021, De Gruyter, Vienna-Boston, 2022, 266-282.

Menyhárd Attila: XIII. Hungary, in: Ernst Karner – Barbara C. Steiniger (eds.) European Tort Law Yearbook 2020, De Gruyter, Vienna-Boston, 2020, 278-301.

Menyhárd Attila: XIII. Hungary, in: Ernst Karner – Barbara C. Steiniger (eds.) European Tort Law Yearbook 2019, De Gruyter, Vienna-Boston, 2020, 277-288.

Menyhárd Attila: XIII. Hungary, in: Ernst Karner – Barbara C. Steiniger (eds.) European Tort Law Yearbook 2018, De Gruyter, Vienna-Boston, 2019, 285-298.

Menyhárd Attila: XIII. Hungary, in: Ernst Karner – Barbara C. Steiniger (eds.) European Tort Law Yearbook 2017, De Gruyter, Vienna-Boston, 2018, 272-282.

Menyhárd Attila: Hungary, in: Ernst Karner – Barbara C. Steiniger (eds.) European Tort Law Yearbook 2016, De Gruyter, Vienna-Boston, 2017, 264-275.

Menyhárd Attila: Hungary, in: Ernst Karner – Barbara C. Steiniger (eds.) European Tort Law Yearbook 2015, De Gruyter, Vienna-Boston, 2016, 275-280.

Menyhárd Attila: Hungary, in: Ernst Karner – Barbara C. Steiniger (eds.) European Tort Law Yearbook 2014, De Gruyter, Vienna-Boston, 2015, 249-261.

Menyhárd Attila: Hungary, in: Ernst Karner – Barbara C. Steiniger (eds.) European Tort Law Yearbook 2013, De Gruyter, Vienna-Boston, 2012, 333-341.

Pusztahelyi Réka: Inner and Outer Challenges of the Hungarian Delictual Liability System in Terms of Highly Dangerous Activities. (2016) DNY PRÁVA 2015 / DAYS OF LAW 2015 - Část VIII. Systémové otázky soukromého práva pp. 227-243

Szalai, Ákos: The preventive effects of Hungarian tort law – A simple law and economics analysis. ANNALES UNIVERSITATIS SCIENTIARUM BUDAPESTINENSIS DE ROLANDO EÖTVÖS NOMINATAE SECTIO IURIDICA, TOMUS LXII ANNUS 2023, 255-262, cf.:

https://www.ajk.elte.hu/dstore/document/4585/annales_2023_december_255.pdf

Zákány Judit: The Possible Effects of the New Hungarian Civil Code on the Liability for Damages of the Healthcare Service Providers, International Journal of Law, 2017/4, 129-134.

Zákány Judit: Evolution of Jurisdiction in Medical Malpractice Cases in Hungary; State Higher Educational Establishment «Uzhhorod National University Науковий вісник Ужгородського національного університету. Серія Право, 2023, Vol.1 (78), p.379-386; <http://visnyk-pravo.uzhnu.edu.ua/article/view/286459/280329>

The „Miracle on the Funeral Truck case” – trailer/appetizer

Magyar	Italiano	English
<p>Sűrű-szürke ködben, egy álmos keddi délutánon a Fekete Özvegy Temetkezési Szolgáltató Kft. kisteherautója a nyitott hátsó rakfelületén két üres koporsót szállít. A járművet István, a cég főállású alkalmazottja vezeti.</p>	<p>In una densa nebbia grigia, in una sonnolenta Martedì pomeriggio, nel furgone della Vedova Nera Servizio di Funerale s. r. l. trasporta nella piattaforma aperta piattaforma dell' autocarro furgonato due feretri vuoti. Stefano, il impiegato di tempo pieno dell' azienda, fa la autista della macchina.</p>	<p>In thick-grey fog on a lazy Tuesday afternoon the truck of the Black Widow Funeral Services Ltd. is carrying two empty coffins on its open back. The truck is driven by Stephen, full-time employee of the company.</p>
<p>István egyszer csak egy stoppost vesz észre az út szélén. A stoppos Péter (bányász). István arra gondol, hogy fiatal korában ő is rengeteget utazott autóstoppal. Nem csoda hát, hogy felveszi Pétert, aki hálásan felmászik hátul a platóra. István utal rá, hogy a koporsók üresek. Péter természetesen nem fizet az útért.</p>	<p>Stefano si accorge improvvisamente un autostoppista il bordo della strada. L' autostoppista è Pietro (minatore). Stefano pensa che anche lui ha viaggiato molto con l'autostop in suo gioventù. Non c'è da stupirsi, quindi, che Stefano raccoglie Pietro, chi sale sulla piattaforma piatta forma dell' autocarro furgonato. Stefano indica che le bare sono vuote. Pietro, naturalmente, non paga per il viaggio.</p>	<p>Stephen sees a hitchhiker standing by the side of the road. The hitchhiker is Peter (a miner). Stephen remembers that he also travelled a lot as hitchhiker when he was young. No wonder, he picks up Peter who gratefully climbs up onto the back of the truck. Stephen mentions that the coffins are empty. Naturally, Peter doesn't pay for the ride.</p>
<p>Rövidesen elered az eső. Más választása nem nagyon lévén, hogy meg ne ázzon, Péter befekszik az egyik üres koporsóba. Kicsit kényelmetlennek találja, ám ennek ellenére kisvártatva elalszik.</p>	<p>Appena inizia a piovere. Siccome non abbia altra alternativa, Pietro si adagia in una bara vuota. Pietro trova la bara un poco scomoda, ma si addormenta tra poco.</p>	<p>Shortly after, it starts raining. To avoid getting wet, Peter lies into one of the empty coffins. He finds it a little bit uncomfortable but despite that, he soon falls asleep.</p>
<p>A teherautó útja eseménytelenül folytatódik. István egyszer csak újabb stoppost pillant meg. Lefékezi a szolgálati járművet. Int az újabb stopposnak (András) és így szól: „ugorj fel, Öreg, hátul majd jól elszórakoztok!” István ugyanis nem látta, hogy Péter az eső elől a koporsóba bújt. András felpattan a nyitott raktérbe, ahol azonban nem lát senkit az ég egy adta világon, csak két koporsót. Nem érti... „De morbid a humora ennek az ürgének, még hogy jól elszórakozunk... bár végül is, nem lehet könnyű feldolgozni, hogy állandóan a halottak az útitársai...” András helyet foglal a másik – még mindig üres – koporsó tetején, amely a plató bal szélén helyezkedik el. Csípője így hozzávetőlegesen egy vonalba kerül a plató korlátjának tetejével.</p>	<p>Il viaggio dello furgone continua tranquillo. Stefano si accorge un' autostoppista di nuovo. Lui da una frena e segnala l'autostoppista nuovo (Andrea) e dice: 'vieni, Ragazzo, va a divertirti sulla piattaforma!' Stefano, infatti, non ha visto che Pietro si è sbucato nella bara vuota. Andrea soprasalta sulla piattaforma dell' autocarro furgonato, e non vede nessuno soltanto le due bare vuote. Lui così non capisce. 'Che strano umorismo ha questo ragazzo, come'è possibile divertirsi qui. ... Ma non può essere facile trattare che i compagni di viaggio sono soli morti.' Andrea prende posto sulla bara ancora vuota, che si trova sulla sinistra della piattaforma dell' autocarro furgonato. Sua anca si trova così nella stessa altezza come c'è la ringhiera della piattaforma.</p>	<p>The journey carries on uneventfully. Stephen sees another hitchhiker. He stops the vehicle. He waves to the other hitchhiker (Andrew) and says: "jump up Brother, you will have fun in the back!" as he didn't see that Peter lay into the coffin. Andrew jumps up onto the open back of the truck where he doesn't see anything at all apart from the two coffins. He doesn't understand... "This guy has such a morbid sense of humor thinking that we will have fun... But in the end of the day, it could be not easy to cope with that the fellow passengers are always dead..." Andrew sits down on top of the other - still empty - coffin located on the left side of the back of the truck. Therefore, his hip is level with the top of the bar of back of the truck.</p>

<p>Így telik-múlik az idő, az eső is eláll, és Péter felébred a koporsóban. A teherautó igencsak kanyargós lejtőn halad. Az egyik S kanyarban Péter minden előzetes figyelmeztetés nélkül kinyitja a koporsó tetejét, és Andrászt megpillantva így szól: „Helló, Kolléga, esik még az eső?”</p>	<p>Il tempo trascorre così, piano a piano, la pioggia cessa, e Pietro si sveglia nella bara. Il furgone va in una discesa sinuosa. In una curva Pietro apre il tetto della bara senza avviso e vedendo Andrea se dice: 'Ciao, Collega, piova ancora?'</p>	<p>Time goes on, the rain stops and Peter wakes up in the coffin. The truck goes on a very bendy slope. In one of the sharp bend, without any prior warning, Peter opens the top of the coffin, looks at Andrew and says: "Hi Colleague, is it still raining?"</p>
<p>András megijed a „szónokoló halottól”, ijedtében összerezzen, felpattan, elveszti az egyensúlyát, átesik a korláton, lerepül a gépkocsiról, és a betonúton landol. Súlyos sérüléseket szenved.</p>	<p>Andrea si intimide da 'un muorto declamando', e sussulta, si squilibra, supera a la ringhiera della piattaforma dell' autocarro furgonato, cade sulla furgone, e atterra sull' asfalto. Soffre ferite grave.</p>	<p>Andrew is shocked because of the “speaking dead”, jumps up, losing his balance and falls over the bar flying out of the truck and land on the concrete (i.e. the road). He suffers major injuries.</p>

