

Hungary

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Amendment of the Competition Act (1996)

- implements the Directive 2014/104/EU on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union

First Amendment of the Civil Code (2013)

- Liability of executive officers of legal entities (including directors of companies) vis-à-vis third persons
- Original text was:
 - When the executive officer of the legal entity causes damage to a third party in connection with his legal relation, the executive officer and the legal entity are jointly and severally liable (towards the injured party) [§ 6:541]
- Strong criticism: liability without limits imposed on directors of companies incompatible with logic of business

First Amendment of the Civil Code (2013)

- § 6:541 repealed, but
- further amendment (Book 3 on Legal Entities):
 - the legal entity shall be liable for damages caused to third parties by the executive officer in that capacity, but
 - liability for any damage caused by the executive officer intentionally, lies with the executive officer and the legal person jointly and severally [§ 3:24 (2)]

First Amendment of the Civil Code (2013) - Problems

- Duty of loyalty vs required duty of care (conflicts of interests)
- Missing conceptual framework for evaluating intent contrasted to negligence
- Unclear policy
 - incentives?
 - prevention?
 - internalizing risks?
 - insurability?