

Communication concerning the decision of the Curia of Hungary
in the civil case n° Pfv.21.630/2012

The final decision established that the defendant violated the plaintiff's right to reputation when he falsely declared in a television programme that the plaintiff concealed the truth and falsified the data pertaining to the financial situation of the Hungarian Radio. The court obliged the defendant to provide satisfaction and a compensation for non-pecuniary losses of 500 000,- HUF for the plaintiff.

The defendant submitted a petition for judicial review arguing that in the given programme he spoke as the chair of the board of trustees of the Hungarian Radio Public Foundation, therefore, based on Article 74/C, paragraph (5) of the Civil Code he cannot be held liable as a private person.

The Curia acknowledged that the defendant took part and spoke in the programme on the situation of the Hungarian Radio as the chair of the board of trustees of the public foundation. According to Article 53, paragraph (1) and Article 55, paragraph (1) of the Act n° I of 1996 on Radio and Television Broadcasting, as well as Article 74/C, paragraph (5) of the Civil Code the public foundation is liable for the damage that has been caused by the chair of the public foundation to a third person. This rule can be applied, however, only to pecuniary and non-pecuniary damages enforced and based on Article 84, paragraph (1), point e) of the Civil Code.

At the same time, pursuant to Article 75, paragraph (1) of the Civil Code, no one can be exempt from the objective legal consequences of violating another person's inherent rights, except for cases provided by law. The defendant is liable for the legal consequences defined in Article 84, paragraph (1), points a)-d) of the Civil Code irrespective of the fact that he represented a legal person.

Based on the above, the Curia quashed the final decision with respect to compensation for non-pecuniary losses and upheld the first-instance decision that rejected the claim. It upheld the final decision with respect to the establishment of the violation of rights and the provision of satisfaction.

Budapest, the 30th of April 2013

Civil Department of the Curia of Hungary