Characteristics of foreign currency credit lawsuits initiated by consumers in terms of the underlying facts and the rights asserted

titled

Synopsis of the doctoral (PhD) dissertation

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I. Timeliness of the subject

Hungary's accession to the Euro-Atlantic integration organizations – the European Union, NATO – was the most important common goal of Hungary at the turn of the millennium. The accession to NATO – together with the Czech Republic and Poland, the first of the former socialist countries – took place on March 12, 1999, and the entry into the European Union – along with 9 other states – on May 1, 2004. In particular, the fulfillment of the requirements of EU accession put Hungarian society under a great test, as the steps necessary for the legal harmonization required for the adoption of the Community legislation and the fulfillment of the entry conditions had an impact on our everyday life. At the threshold of the third millennium, it seemed that the first decade of the new millennium would basically be about EU accession, regardless of the date of entry. However, a few years after joining the EU, the financial crisis erupted in the United States of America, which soon affected the entire world, inducing processes from which the Hungarian economy and society could not escape. How and to what extent the financial crisis of 2008 affected the world varies from country to country. The Hungarian-related consequences included a significant increase in debt installments resulting from exchange rate changes in foreign currency-based loan contracts concluded in increasing volumes from the beginning of the 2000s, and as a further consequence of this – rather before the beginning of the state intervention manifested in legislation, but at least simultaneously – a new type of litigation, the emergence of the „foreign currency lawsuit" or „foreign currency credit lawsuit" and its becoming widespread in a few years in the courts. The mainly Swiss franc-based lending that became massive in the 2000s basically did not take into account the exchange rate risk, but it certainly did not take into account the extent of it realized after 2008, and the lawsuits initiated by debtors in difficult situations basically determined the court proceedings of the 2010s. The topicality of the topic is shown by the fact that, since the beginning of the 2010s, and currently (in 2025), there have been preliminary decision-making procedures initiated by Hungarian courts in foreign currency claims at the Court of Justice of the European Union (CJEU). Even if the number of ongoing foreign exchange credit lawsuits has significantly decreased compared to the early and mid-2010s, some of these lawsuits – a decade after the legislative wave of 2014 – are still ongoing and new lawsuits have been initiated years after 2014.

II. Background and reasons for the research, identification of the research task and objectives

2.1. Background and reasons for the research

My work in the judicial organization for about a decade and a half, including my judicial activity1 covering more than a decade, coincided with the initiation and massification of foreign exchange credit lawsuits and with the substantive legislation and application of the law, partly parallel to it, partly following it for a longer or shorter period of time. In itself, the depth and combined speed of the changes determining the procedural and substantive legal frameworks of the trials presented a great task to the legal practitioners, judges and legal representatives acting in these trials. The interpretation and adaptation of legislative and law enforcement acts relevant to the issues raised – either the laws that have been adopted and entered into force, or the law enforcement guidelines issued by the Curia of Hungary and the CJEU – and their adaptation to legal disputes required continuous attention from all actors of law enforcement, who were constantly monitoring the current changes. In my view, the case type is still far from being a legal historical memento, which is proven by the fact that, at the time the thesis was being prepared, the case C-630/23 initiated by the Curia of Hungary and C-630/23 was in progress before the CJEU preliminary ruling procedure registered under; following the CJEU's decision, the Curia of Hungary took a position on the direction and content of further legal application. Nevertheless, the now one and a half decade period of foreign exchange credit lawsuits, and within that period - due to what has been explained in the thesis - is considered a key year in both lawmaking and law enforcement and a decade long perspective compared to 2014, which fundamentally determines the further directions of law enforcement, provides an opportunity to draw a balance sheet prepared according to a system of criteria based on verifiable facts . In my opinion, this balance can only be considered authentic and scientifically supported if it is also based on research conducted in individual cases, in addition to the description of the necessary theoretical background based on several approaches. The presentation of the theoretical background is mostly necessary

[1] I have been working in the court organization since September 1, 2009 and as a judge since February 15, 2014.

because it can serve as an explanation for the interpretation and contextualization of the image formed on the basis of research.

2.2. Identification of the research task

The subject and at the same time the purpose of this thesis is to present the factual bases of foreign exchange credit lawsuits initiated by consumers and the rights typically asserted in the lawsuits. In addition to the study and processing of relevant literature and factual material based on publicly available sources, an essential prerequisite for conducting research on individual cases was the determination of the source of the research and all relevant components. It was therefore necessary to determine which cases within which time interval should be covered by the research, based on which preliminary criteria. One of the most important requirements for research is representativeness. In the definition of Rudolf Andorka, a representative sample means the following: „...according to the theory of statistical sampling, in the case of a properly selected sample, it is enough to ask a small part of the entire population in order to get a fairly accurate picture of the entire population, more precisely, that the results obtained based on the sample are relatively small with a margin of error, we can generalize it to the entire population. Proper sampling means that all members of the population to be investigated must have an equal chance to be included in the sample, i.e. that the persons, families, apartments, etc. to be included in the sample and interviewed must be randomly selected. The sample selected in this way is called a representative sample." (Rudolf Andorka: Introduction to Sociology. Osiris Kiadó, Budapest, 1997. Page 103.) „A sample whose most important characteristics do not differ significantly from the corresponding characteristics of the population can be considered representative. All this also means that representativeness can only be relative, it depends on the characteristics of the population that are considered important." [József Pintér, Gábor Rappai: Some practical considerations for the preparation of sampling plans. Marketing & Management, 2001. (Vol. 35), issue 4, pages 4-10. p. 4.] In relation to the nature of sampling to ensure representativeness, mainly the I took as a basis a preliminary opinion based on my own experience in the application of law, which also manifests itself in tracking continuous changes. Archeology professor István Bóna is credited with the saying that „preconception is not allowed, but without it it is not worth it." In the spirit of this, I assumed that any

representative research to be conducted in foreign exchange credit lawsuits should cover the individual cases pending at the Curia of Hungary. Namely, because the Curia of Hungary is the only court of the Hungarian judicial organization with general national competence, which ensures the nationwide coverage of the data collection. Another argument in favor of curiae research is the availability of decisions that do not require a special research permit, since their anonymized publication on the Internet is a legal obligation. The publication of final decisions made in pending cases in courts lower than the Curia of Hungary is also a legal requirement, however, their research from any perspective is only representative if it covers all decisions made at a given court level, or at least a certain part of them based on the same criteria. However, there were two arguments against this last research. First of all, the overview of all the decisions of the courts that make final decisions based on the second-instance procedure initiated on the basis of an appeal, which can be considered the most general legal remedy in the four-level Hungarian court organization system (in the case of district and district courts of first instance, the tribunals, in the case of tribunals acting as courts of first instance, the judgment panels) exceeds a the framework of representative sampling, it is already a general sample covering all decisions. Secondly, the decisions made in cases pending at the Curia of Hungary (within the framework of extraordinary legal remedies, in revision proceedings) based on final decisions form a common set: the prerequisite for the decision to be made during the extraordinary legal remedy procedure is the final decision. Therefore, I considered it unnecessary to search for decisions made and published by courts lower than the Curia of Hungary.

Another preconception of mine was based on the prominent role of my own place of service in these trials. I assumed that the results of a basic research to be conducted at the Budapest-Capital Regional Court could make a substantial contribution to the research results. I based the decisive importance of the Budapest-Capital Regional Court on three circumstances. This court, which is an integral part of the thesis and is meant to present the legislation and application of the law in the 2010s, and based on several relevant parts of the chapter on litigation statistics, was particularly important for three reasons. (i) Based on the published case turnover statistics, the case volume of the Budapest-Capital Regional Court has consistently reached or exceeded the combined data of all other courts except the Budapest Environs Regional Court (and in some years the Szeged Regional Court). (ii) In order to specifically reduce the caseload of the Budapest-Capital Regional Court, the procedural

jurisdiction rule was amended from January 1, 2014. This provision entered into force just at the beginning of the „key year" and shows the overrepresentation of this court in foreign currency credit lawsuits. Indirectly, based on the analysis of additional data, it can also be verified that the change in the jurisdiction rule did not automatically result in a significant reduction in the caseload of the Budapest-Capital Regional Court. (iii) A significant part of the proceedings before CJEU and the Constitutional Court in foreign currency credit cases were initiated by the judges acting in cases pending at the Budapest-Capital Regional Court. Regardless of these three circumstances, I assumed that the predominance of the Budapest-Capital Regional Court would be supported by the data of the Curia of Hungary research. (This assumption was also verified by this research.) In the case of forensic research, I believed that, compared to the examination of decisions published on the Internet, a research covering cases selected based on predetermined criteria could add additional content to the scientific results, which, however, could only be conducted on the basis of a research permit. The room for maneuver of this research was increased by the fact that it could not only focus on the decisions ending the litigation, but also on other litigation documents, as long as the search license covers them.

It was not part of the research to examine and demonstrate the outcome of the litigation, and I did not formulate a hypothesis for this. The examination of the effectiveness of legal claim enforcement was not only outside the scope of the basic research because of the descriptive intent, but also because a significant number of the cases were not legally concluded in the examined period, therefore for this type of litigation in the first half of the 2020s - with the exception of a few issues - it is not yet possible to make general conclusions about the effectiveness of claim enforcement.

2.3. Objective

In advance, I formulated four hypotheses that are markedly characteristic of this type of lawsuit, which can be verified based on the research to be conducted.

1. Hypothesis: The structure of legal titles enforced in foreign currency credit lawsuits changed significantly following the adoption of the 2014 DH laws.

The basis of this hypothesis is that, based on my own legal experience, I formulated and attempted to prove the assumption that the law enforced by consumers in lawsuits against financial institutions related to foreign currency-based consumer loan contracts initiated since the early 2010s – its content, the legal grounds presented, etc. – was fundamentally affected by the laws adopted in the 2010s, mainly in 2014. The content of the enforcement of claims was also affected by the Curia of Hungary's decisions on uniformity of law, which are mandatory for the courts – and which are relevant in the interpretation of DH laws, and other guidelines, as well as decisions made by the CJEU during preliminary ruling proceedings. (The latter were also enforced indirectly, through the legal interpretation of the Curia of Hungary.) Together, these resulted in the fact that foreign currency credit lawsuits formed a homogeneous unit at most at a given point in time from the point of view of the enforced law, but certainly not in the examined time interval, on the contrary: they showed a completely different picture in the first half of the 2010s than in the second half, while the factual bases of the lawsuits were essentially the same throughout. Compared to the static factual basis, there was a dynamic in the enforced law.

2. Hypothesis: The two main directions of enforcement after 2014 are unfairness claims due to exchange rate risk information, and the submission of alternative legal claims in which the courts did not have to require the consumer to submit the excess earnings content that was mandatory from 2014.

The essence of my assumption regarding the direction of the change in the law enforced by consumers is that although the basis for the enforcement of rights has always been invalidity claimed on some legal basis, while before 2014, which can be considered a key year for both legislation and law enforcement, lawsuits were predominantly aimed at establishing invalidity prohibited by some specific legal provision, after 2014 these legal grounds were pushed back, and the enforcement of claims based on the lack or insufficiency of exchange rate risk information became increasingly dominant. Another relevant change that can be demonstrated in the enforcement of claims in litigation is the submission of alternative legal grounds, in which cases the courts did not have to require the consumer to submit a monetary legal consequence claim, which was mandatory from 2014.

3. Hypothesis: after 2014, litigious consumer claims enforcement was mainly aimed at remedying interests not settled by legislation.

While hypotheses 1 and 2 contain propositions to be verified as to what the effect of foreign exchange credit legislation and law application is on the content and direction of enforced law, hypothesis 3 focuses on the only inducing factor of these effects, the legislation. According to my assumption, the foreign currency credit lawsuits continued despite the transitional parliamentary cycle between 2010-14, and the legislation on the subject, which took place at the beginning of the 2014 cycle and was declared final, because this type of lawsuit cannot be considered a thing of the past in the 2020s, because the foreign currency credit legislative products – based on the normative texts of the laws, the justification of these laws and additional legislative acts related to the subject – no they were aimed at eliminating the factor(s) most likely to cause consumer indebtedness until the conclusion of the contract, i.e. with ex tunc effect. In other words: after 2014, litigious consumer claims enforcement was mainly aimed at remedying interests not settled by legislation. This hypothesis is related to hypotheses 1 and 2 in that, while the latter descriptively contain the content and direction of the claimed change, this 3rd one provides a possible explanation for the cause of the changes. An essential condition for the verification of the hypothesis is the analytical presentation of relevant data on the volume of lawsuits and the development of the case volume. The data collection can be considered scientifically supported if it covers all published transaction data, but this also means that the time interval of the collection of the published data determined the framework of the statistical data presentation and analysis.

4. Hypothesis: The territorial concentration of foreign currency loan lawsuits is constant, with the vast majority of these lawsuits consistently concentrated in the central region.

While hypothesis 3, based on the number and volume of foreign exchange credit lawsuits, i.e. based on quantitative factors, asserts the continuity of this type of litigation despite the changes in enforced law, hypothesis 4, linked to quantitative factors, serves as proof of the permanence of the territorial concentration of lawsuits. According to my assumption, despite the change in jurisdiction rules that entered into force in 2014, the vast majority of these lawsuits have always been concentrated in the central region, i.e. in the Budapest-Capital Regional Court and the Budapest Environs Regional Court, as well as in the district and district courts operating in the jurisdiction of these courts. Such an overrepresentation of

foreign currency lawsuits was not justified by the population of the central region, nor by the general rule of jurisdiction applicable in civil lawsuits.

I considered it unnecessary to formulate a hypothesis in connection with the facts that form the basis of the right asserted in the lawsuits. The reason for this is that the purpose of the part of the dissertation presenting the situation that serves as the basis of litigation is to describe the factual basis, i.e. to outline the contracts that were concluded within which time interval and which defined the currency(s) of the financial institutions and the debtors. A comparison of the facts that can be established from the processes of the 2000s and the facts of the trials that took place mainly in the 2010s may result in relevant similarities and differences, but in my view, this has no substantial scientific yield. However, this does not mean that it is not necessary to collect the facts, which are the basis of the litigation, determined on the basis of previously fixed criteria.

III. Methods used

From the hypotheses, the definition of the "foreign currency credit lawsuit", which is the subject of the thesis and also its most important concept, clearly followed. In this thesis, by the term foreign currency credit lawsuit, I mean only the procedures initiated by debtors against financial institutions based on foreign currency-based loans (i.e. loans registered in foreign currency but disbursed or repaid in HUF), the thesis does not deal with loans disbursed and repaid in currencies other than HUF related to, nor a lawsuit aimed at enforcing claims against debtors by financial institutions. Seen from a positive aspect, this definition raises questions that need further clarification, such as what is included in the concept of foreign currency-based credit/loan, and whether I consider special lawsuits initiated for the termination and limitation of enforcement regulated in the Civil Procedure Code to belong to this type of lawsuit? Since during a foreign currency credit lawsuit, the Curia of Hungary 6/2013. PJE Decision No. (6/2013. PJE) relating to contracts with the content specified in point 1 and the corresponding justification, initiated by consumers against financial institutions and, crucially, but not exclusively, partial or total invalidity of the contract and/or creation I mean lawsuits aimed at establishing that they did not come, their subject is the range of foreign currency-based credit, loan and financial leasing contracts. The 6/2013. Taking the concept of PJE as a basis ensures a broader research immersion, and since this

definition fell in the initial period of the issuance of the Curia of Hungary law application guidelines, all previous legislative and law application acts from the legislation and law application chapter are also perfectly in line with this, and in this way the thesis can be avoided usage of the term is different from this. (The only other difference, which does not affect the essence, is the concept defined in connection with the methodology of conducting the research, however, due to what will be explained later, this has significance only because of the time interval of the conclusion of the contracts representing the factual basis of the cases affected by the research.) There was no reason to exclude lawsuits for the termination and limitation of enforcement; the fact that the factual basis of these lawsuits and the set of applicable procedural rules are special, in my opinion, increases the credibility of the findings of the thesis. Starting from the negative aspect of the definition, it also requires clarifying which legal proceedings I did not consider to be foreign currency credit lawsuits. The thesis did not cover the investigation of lawsuits initiated by financial institutions against consumers, based on claims for the payment of consumer debt, in which consumers could present an objection of invalidity and possibly a counterclaim as part of their defense. Consequently, neither can a difference be demonstrated between the right asserted in the claim in the lawsuits initiated by the consumers and the right asserted in the objection of invalidity and/or counterclaim that may be presented during the legal proceedings against them. The omission of these litigations in the dissertation was justified by three factors. (i) The reverse legal position compared to lawsuits initiated by consumers also results in the claim being brought forward by the financial institution, compared to which it is possible whether the consumer's defense is of a nature that may be relevant from the point of view of the asserted right. If your defense is only aimed at disputing to some extent the amount of the claim, but not the legal basis (because you consider the derivation of the claim to be numerically incorrect, e.g. because you claim that you have paid part of the claimed amount, or that it is not due, etc.), then there is no the asserted right presented in terms of consumer law enforcement. It is a different situation if you submit an objection of invalidity and/or a counterclaim during the trial. Overall, in the case of these litigation positions, there is the possibility of consumer enforcement, but it is not at all certain, compared to litigation initiated by consumers. (ii) Decisions, guidelines for the application of law, and acts of law application made by the Curia of Hungary and the CJEU refer to the enforcement of consumer rights as a result of their content. All lawsuits initiated by consumers are part of the latter, but lawsuits initiated by financial institutions do not automatically fall within this scope due to what was

explained in point (i). (iii) Based on my own experience in the application of law, I assumed – and this was confirmed by statistical data collection – that the collection of foreign currency credit litigation data introduced in the courts from November 1, 2013 did not cover lawsuits initiated against consumers by financial institutions, so for these lawsuits, no relevant data are available for its magnitude. In the absence of this, no conclusions based on statistics can be made about these lawsuits.

Due to the above, starting from the same starting point as the research, but using a two-pronged approach, I attempted to verify hypotheses 1 and 2. The common foundation of the research is that it is based on data collection and analysis covering individual cases. The fact that only anonymized decisions were the subject of the research aimed at Curia decisions was determined. As a result, the research work could be concentrated on the collection of facts and data that can be extracted from the decisions. Forensic research can be more diverse than this, at least with regard to the relevant litigation documents.

IV. Comprehensive presentation of the dissertation, main findings

The thesis entitled ,,Emergence of foreign currency lending and its practice in Hungary in the 2000s" II. chapter – is used to outline the situation – the main facts and processes – on which the litigation is based. The purpose of this chapter is therefore to put it into context. It is beyond the scope of this thesis to detail all the economic aspects of foreign currency lending, which emerged in the 2000s and became massive in a few years, but the main factors and processes must be presented. On the other hand, the description of the legal regulatory framework necessarily belongs to the subject, since it is the ,,origin" of the subsequent legislation and application of the law. In this chapter, which can be considered both a historical description and a conceptual clarification, I address three issues, namely the definition of foreign currency-based credit; the legal environment in which it spread; and which factors contributed to its becoming a basic type of loan in the 2000s. The summary of this roughly ten-year period is that this time interval represents the factual basis of the subsequent lawsuits, and its main characteristic is that foreign currency-based lending spread without any related definitions or other special regulations, as a result of processes initiated in business and economic life and became dominant in the lending market. I emphasized the presentation of relevant data on the credit crisis that developed after 2008. At the end of the

chapter, I briefly touch on the development of foreign currency lending in the other Visegrád countries.

The III. chapter („Legislation and law enforcement of foreign currency credit") differs from II. chapter, however, it is an organic consequence of the latter, and chronologically its continuation. II can be considered as the antecedent. Chapter shows why and how foreign currency lending developed in the 2000s – with the exception of some sectoral legal regulations – without special provisions for it, basically within the legal framework regulating business and economic life. One of the consequences of foreign currency-based lending, which lasted mainly until 2008-2009, is the ever-increasing level of household indebtedness resulting from exchange rate risk, which can be considered a characteristic feature of the scheme, which resulted in the issue becoming a social problem. The situation of foreign currency borrowers induced years of continuous legislative and law enforcement actions. The need for legislation arose from the recognition that the issue had become a social problem in the meantime, and from the beginning it contained the possibility of both temporary and definitive solutions. (Of course, the question of what can be considered a temporary and final solution to the problem arises and needs to be answered.) The need to issue legal application guidelines arose from the ever-increasing number of foreign exchange credit lawsuits and the requirement to answer the questions arising in the lawsuits. Despite the different nature of the tasks and powers of the two branches of government, legislation and law enforcement influenced each other in many aspects. I claim that the reason for this is, or at least it was, that the legislator initially did not consider certain issues to be resolved through legislation, and vice versa, the Court expressly emphasized at the beginning that it did not consider certain issues to be legally applicable. Based on all of this, in my opinion, the bodies authorized to exercise individual state and EU powers – the Parliament, the Curia of Hungary, the Constitutional Court, and the CJEU – adopted or adopted legislation, law enforcement, and law interpretation related to foreign currency lending in the 2010s., norm control, etc. its acts can be interpreted separately, not by themselves, only in connection with and in the light of all relevant additional factors. The purpose of this chapter is not to provide a detailed explanation of certain relevant substantive law legal institutions and concepts interpreted and regulated by law application guidelines or through legislation; I cover them to the extent necessary to present the entire spectrum. This restriction does not apply to legislation that affects the enforcement of substantive legal claims, modifies certain procedural legal provisions, or

prescribes new provisions and additional requirements, since it has basically determined the framework and direction of foreign currency credit lawsuits all along. The III. The thesis function of this chapter is twofold: it serves both to present the legislative and law enforcement frameworks that define foreign exchange credit lawsuits, as well as to justify the framework on which the conducted research is based. The latter means that the right asserted in foreign currency credit lawsuits was basically defined, but at least shaped by Article III. the legislation described in chapter 2, in particular some substantive and procedural provisions of the foreign exchange credit laws adopted in 2014, as well as the Curia law application guidelines. This chapter is therefore indirectly related to the verification of hypotheses 1 and 2 to the extent that it presents the triggering factors of the dynamics experienced in enforced law compared to the static factual bases of litigation.

The IV entitled „Foreign currency credit lawsuits in the light of national statistics" the purpose of this chapter is to prove that foreign currency credit lawsuits were a prominent part of the civil litigation procedures of the regular court organization from the beginning of the 2010s until the end, and also to present some basic trends. On the basis of the published and usable transaction and other statistical data, as well as data analyses, it is possible to present – at least in a certain time interval – the magnitude of the „foreign currency credit lawsuit" within civil litigation, as well as some of its characteristics. The statistical chapter is also relevant from the point of view of two assumptions: to prove the 3rd hypothesis, it is necessary to present the litigation case volume, and to prove the 4th hypothesis, the presentation of the data on the territorial distribution of the lawsuits. The available statistics do not cover the entire relevant time interval and can be taken into account with certain reservations due to the methodological shortcomings of the data collection, however, in my view, these did not affect their possibility to be taken into account during the verification of the relevant hypotheses. The published data on foreign exchange credit lawsuits are incomplete and have a data-distorting effect, and even with this, general conclusions that can be supported statistically can be formulated. Data are available from 2014 to the first half of 2019 regarding the volume of foreign exchange credit receipts and the proportion and magnitude of the entire civil litigation receipts for the given period. Compared to the number of cases received in 2014, the volume of cases increased in 2015 and 2016, most cases were initiated in 2016, when it accounted for nearly 10% of the total number of civil litigation cases. Compared to the numbers in 2016, the number of cases decreased in both 2017 and

2018. Overall, between 2014 and the first half of 2019, case arrivals increased until 2016, then decreased, and based on the incomplete information on the decrease in case volume, the increase was already significant in 2012-13. Based on the data, it can be concluded that the laws adopted during the 2014 foreign exchange credit legislation and which came into force that year had no effect on reducing the volume of cases in 2015-2018. The effect of the foreign currency credit laws on the volume of foreign currency credit lawsuits (more precisely, the fact that they certainly did not result in a decrease in the volume of cases over a few years) seems to be justified. A clear conclusion can also be drawn regarding the territorial distribution of cases, despite the fact that district and district court and tribunal case hearings are combined in the statistics. In the years affected by the data release, the Budapest-Capital Regional Court and the district courts operating in its area of jurisdiction accounted for 42-51% of the national caseload, and at the end of the period with the upper limit of this range. After the Budapest-Capital Regional Court, the second highest number of arrivals was at the Budapest Environs Regional Court (BKT) and district courts operating in its jurisdiction, between 7-11%. From these numbers, it can be seen that new cases in the judicial forums of the central region exceeded more than 50% of the national caseload, at a rate between 53-61%. From these numbers, it can be seen that new cases in the judicial forums of the central region exceeded more than 50% of the national caseload, at a rate between 53-61%. In essence, the same proportions can be shown in connection with the courts operating in the area of jurisdiction of the judicial boards: in the case of those belonging to the jurisdiction of the Metropolitan Regional Court, the arrival was between 56-63%. In connection with the concentration of case management in the central region, it is at least questionable whether the 1952 III. 30/A. § incorporated into law (in the old Pp.) has the legislative goal been achieved.

Chapter V describes the reasons, methodology, and data of the basic research conducted in foreign exchange credit lawsuits, as well as the evaluation of the research and its comparison with hypotheses. This chapter is at least indirectly related to all hypotheses, within which research is the most important tool for verifying hypotheses 1 and 2. Therefore, the intention to verify these hypotheses is the most important reason for research. Among the researches, hypothesis 4 can be verified indirectly by the continuity of the predominance of the central region in the review process. The methodology of the two researches is identical in several respects. Basic research by consumers against financial institutions in the 6/2013. in the 1st sentence of point 1 of the statutory part of the PJE and XXXVIII of 2014. Law (DH1 tv.)

covered litigation related to foreign currency-based credit, loan and financial leasing agreements (collectively: foreign currency-based loan agreements) defined in Paragraph 1 (1) of the Act. (The provision of DH 1 tv. compared to PJE 6/2013 carries so much additional content that it defines the period of conclusion of contracts covered by the law, namely in the time interval from May 1, 2004 to July 18, 2014. Actually, the date of May 1, 2004 is relevant, since after 2010 – the III. as a result of the 2010 legislative amendment described in chapter – they no longer concluded contracts. The research thus covered legal disputes regarding contracts concluded on and after May 1, 2004). Lawsuits initiated by legal entities, as well as those procedures, the subject of which are legal entities other than consumers and financial institutions formed by contracts between The Curia of Hungary research covered the decisions made by the Curia of Hungary between January 1, 2012 and December 31, 2021 in individual cases during ordinary and extraordinary legal remedy procedures. When determining the time interval, I took the following factors as a basis. (i) Typing required a more in-depth examination of at least a 5-year period. (ii) The years before and after 2014 must be included in the examined period with a ,,run-off" of several years, in order to allow for the broadest possible examination of the research hypotheses. (iii) The latter is supported by the fact that the vast majority of decisions made by the Curia of Hungary in individual cases are in review proceedings. Review proceedings are preceded by first- and second-degree proceedings, the combined duration of which is typically 2-4 years (if the first-degree judgment has not been annulled). So if e.g. In 2014, a case was brought to the Curia of Hungary due to a review request, the trial probably started between 2010-12. As a result, the curial ,,concentration" of legislative and law enforcement changes in 2014 can be felt and demonstrated several years later compared to this year, if it can be demonstrated. (iv) Compared to 2014, another factor affecting the content of the period to be examined and increasing it is the litigation proceedings DH1 tv. 16, mostly suspended in 2014. E.g. in a first-instance proceeding restarted in 2016, considering the first-instance verdict in 2017 and the second-instance verdict in 2018, the review procedure could begin in 2018-19. (v) I determined the starting date taking into account the fact that II. starting from the processes detailed in chapter 2008-2009, it is assumed that there was no intention of mass enforcement of claims. Adding to the date of 2008, the longer of the 2-4 years indicated as the combined duration of the first- and second-degree proceedings, 2012 can be determined as the starting year of the time interval to be examined, and January 1, 2012 as the starting date. (vi) I therefore set December 31, 2021 as the closing date of the period to be examined, because the

majority of the 2020-2021 review decisions could have been made by the Curia of Hungary in cases in which the trial started after 2014, or years later, if applicable.

Due to the specific period, it may happen that in some cases the courts already apply the CXXX of 2016, effective from January 1, 2018. the procedure was carried out based on the law (new Pp.). Nevertheless, based on the research time interval and the typical duration of the first- and second-degree proceedings before the review stage (including the suspension period), I assumed that the Pp. was applied in the vast majority of the trials. This question is relevant because I included in the scope of the research the lawsuits initiated for the termination and limitation of enforcement, the regulatory content of which differs between the old and the new Pp. However, this had no effect on the inclusion of these lawsuits in the research. It happened that the request contained in the review decisions, which make up the majority of cases, was not aimed at the full review of the final judgment, but only at certain parts of it, therefore the Curia of Hungary decision only contains data relevant to the review request from the first and second instance proceedings. However, this only had an impact on the research use of the case to the extent that the collection of data was limited to the facts and claims recorded in the decision, relevant to the review request. An additional benefit of basic research with curial and national coverage is the ability to collect and present data representing the factual basis of litigation. I did not formulate hypotheses related to these facts, at most indirectly, in that I assumed that the enforced law changed while the factual basis remained unchanged, however, in my view, the organization and description of the data set contributes to the most detailed presentation of the particularities of the case type. It has also become possible to systematize and analyze the data relating to the trial courts, and at the same time the IV. comparison with the statistical numbers described in chap.

The collection, compilation and analysis of the relevant data of the Curia's decisions preceded the basic research on the ongoing litigation at the Budapest-Capital Regional Court. Of course, the data collected and analyzed on the basis of the examination of the law asserted in the ongoing legal proceedings at the Budapest-Capital Regional Court cannot be considered nationally representative in view of the authority and competence of this court, and this circumstance had to be taken into account when determining the categorization of the data to be collected. Nevertheless, the over-representation of the Budapest-Capital Regional Court's cases affected by the revision procedure also became clear during the Curia of Hungary data

collection (in this sense, the Curia research is both the antecedent and the cause of the forensic case). The important role of the Budapest-Capital Regional Court in this type of case was supported by the IV. statistical data described in chapter III. also the findings on this subject of the 2013 and 2014 OBH president's reports discussed in chapter The basic research to be conducted at the Budapest-Capital Regional Court was therefore mostly justified by this circumstance. The III. In chapter I mentioned that in 2014, the courts legally suspended all ongoing foreign exchange credit litigation. The largest number of suspensions occurred in July 2014, DH1 tv. took place after its entry into force. The search warrant granted for all cases at various times and in scope, but which were in progress at the Budapest-Capital Regional Court, covered the cases suspended between July 1 and July 31, 2014, in which the court later issued a verdict. The comparison of the claims recorded in the petitions submitted before the suspension and in the first-instance judgments rendered after the termination of the suspension seemed to be a suitable tool for checking the research hypothesis regarding the change in the enforced law. There is a fundamental difference between the two basic researches in that, while the curial one is for a whole decade and all „foreign currency creditable lawsuits", the forensic one is for DH1 tv. covered a specific group of cases suspended after the entry into force of the legislation. The reason for the latter, in addition to the above, is that the authorization of access to court cases and its extent are determined by the personal and material conditions available to the court to ensure the research and its conditions. All in all, the cases affected by data collection and analysis were initiated on the basis of claims based on summary consumer loan contracts concluded in the same period as the lawsuits involved in the Curia of Hungary investigation and presented in the Economic College of the Budapest-Capital Regional Court between January 1, 2012 and July 31, 2014, and then in 2014 between July 1 and 31 suspended, later concluded with a judgment, which were marked as „DH" by the court after the receipt of the statement of claim and were registered as foreign currency creditable lawsuits in the Court Integrated Informatics System (BIIR), except for those initiated by non-consumers, based on HUF-based contracts and lawsuits initiated on the basis of a statement of claim filed with a non-legal representative, as well as cases concluded with judgments only assessing counterclaims and those in which one of the document to be examined. In contrast to the curial and wider database cases, which reflect representativeness due to the national competence, in the case of the tribunals, I did not consider it justified to collect the factual basis of the litigation. I also considered it unnecessary in view of the fact that, while the mandatory suspension of the proceedings

prescribed by the legislator, as in the case of the litigants, the circumstances outside the plaintiff that determined the right to be asserted gave the opportunity to combine the claims submitted before the suspensions and the rights to be asserted in the judgments in the lawsuits that continued after the suspension, however, he obviously did not change the facts underlying the right to be asserted.

The condition for the conduct of both curia and forensic basic research was the typification of the asserted right, i.e. based on pre-defined legal titles and claim types, it was necessary to determine the content of the claims submitted by consumers and adjudicated in the curia review decisions, as well as in tribunal claim letters and judgments, based on desired right. Data collection based on typification was done in such a way that I provided letter codes for each type of claim and marked it with an „X" or other letter in the tabular statements attached to the dissertation, if the claim was part of the given category. In connection with all the relevant court cases, the data was recorded with a mark, separately for each lawsuit and judgment, but in order to make it easier to compare them. In the case of Curia decisions, the data collection was by definition only based on the review decisions. It is a general way of recording data that if the case can be classified into a category and there is no further typification within it, it is marked with the letter code „X". If the given claim type has an additional classification with a separate letter code, the table indicates this, so e.g. in the „PTK" category, the letter „SZ" in the case of an action to establish pretense. In the absence of further typification within the claim type, the classification in the given category is indicated by the letter „X". If the claim cannot be classified in any category, the rubric remains empty. The asserted right also includes columns containing the general classification of claims (apparent set of claims, invalidity, lawsuits for termination and limitation of execution). The tribunal table differs from the Curia table in that it does not include the category of execution lawsuits (within the jurisdiction of the district court). I listed each type of claim as a separate category on the basis of the Curia law application guidelines described and my own experience as a legal practitioner, assuming that the categories defined in this way together cover the large majority of the submitted claims, up to 90%, and ensure full recording and classification the „all other" column used in both court and tribunal cases. The forensic categories show differences compared to the Curia categories, which are basically justified by the rules of jurisdiction of the first instance of the tribunal. Based on the facts of the Court's decisions, which were the basis for the review, data were recorded on the type and

purpose of the sued contract, the pledge security, the year of the conclusion of the contract, the currency of the contract and the method of termination of the contract. Most of the published and anonymized curiae decisions indicate the acting first and second instance courts (the only exception is the decisions made in VH trials), which made it possible to enter the data of the court forums and compare the aggregated data with the data described in the statistical chapter.

The curia and forensic tables are both separate appendices of the thesis. The curia is actually a set of 10 tables, which contain the recorded data from 2012 to 2021, broken down by year. The order of the recorded data is broken down by column: the decision's own serial number, the curia case number, the data on the trial courts, the general data on the claims, the recorded facts, and finally the right asserted in the claims. I have provided the cases with my own serial number for easier reference. All serial numbering restarts every year. Thus, e.g. if during the analysis Pfv.VI.22.062/2016/5 in the 2017 table. I am referring to decision no., since its serial number within 2017 is 22, I refer to it as 22/2017. The forensic data is contained in a single table, which contains the data in the ascending order of the number of cases provided by the registration of claims, without differentiation by year, in two lines for each case, indicating the initial (claim) and judgment case number. The order of the recorded data is broken down by column and identically for both rows of each case: the serial number of the case for both the claim and the judgment, followed by the general data on the claims, then the right asserted in the claims. The provision of the own serial number here was also justified by easier referencing.

From the results of the Curia research, I highlight two facts regarding the volume of cases. One is that between the period between 2012-16 and 2017-21, which is markedly different in both the annual breakdown and the total number of cases, a significant difference can be shown in the first-instance courts that acted: in the first time interval, one-third of the courts were tribunals and two-thirds were district and district courts, on the other hand in the second, three-fifths of them are tribunals, and two-fifths are district and district courts. This latter aggregated data in itself – but otherwise also supported by further analyzes – points in the direction that the old Pp. increased to an extraordinary extent in the second half of the examined period. The number and proportion of cases closed by a review procedure based on dishonesty claims under Section 23, Paragraph (1) k) and falling under the jurisdiction of the

court. According to the consolidated data relevant to the 4th hypothesis regarding the territorial concentration of cases, the central region accounted for 53,21% of the case arrivals at the Curia in the entire period. Within this, a change and a shift in emphasis can be detected between 2012-16 and 2017-21: the combined data of the first 5 years is 70,35%, compared to which the 50,92% rate of the second 5 years is a significant decrease, furthermore, while in the first period the FT and the district courts operating in its area of jurisdiction accounted for 67,74% of the total caseload, while the BKT was negligible (1,61%), in the second time interval the share of the FT decreased even more compared to the aggregated data (40,83%), at the same time, the number of cases initiated at the BKT increased significantly (10,09%). The existence of hypothesis 1 is confirmed by the fact that in the 2017-2021 period, which represents a 6.25-fold increase compared to the 80 cases in 2012-2016, only 3 of the 12 claims categories show a change of less than 50% (increase or decrease in % of the total number of cases). The largest increase in 2017-21 compared to 2012-16 occurred in 3 types of claims: in 2017-21, the figure for exchange rate risk information was 29,8% compared to 2,5% in 2012-16 (the rate of increase is 11,92 times); in contrast to the absence of the fact-certificate stipulation in the period 2012-16, the proportion of this petitum in 2017-21 was 34,8%; finally, the 2,5% rate of lawsuits seeking to establish that the contract was not formed increased to 18,4% in 2017-21 (a 7,36-fold increase). The first part of the 2nd hypothesis stated that claim enforcement based on the lack or insufficiency of exchange rate risk information would become dominant after 2014. Based on the data, this occurred in the last years of the second half of the examined time interval, namely at an increasing rate every year. The second part of the 2nd hypothesis (submission of alternative legal titles suitable for exemption from the submission of mandatory additional claim content from 2014) is proven by the mass occurrence of two types of claims. In the 2012-16 period, claims based on certificates of fact that could not be demonstrated and did not involve the submission of legal consequences already represented a significant proportion in 2017, and in 2018-19 they were the most common type of claim in these two years. The other type of lawsuit is lawsuits aimed at establishing the invalidity of general contract terms that do not involve financial performance and are not included in other lawsuits based on unfairness. In my opinion, the data and trends convincingly prove both parts of hypothesis 2, and from the curia's decision it can also be concluded that, while the claim related to exchange rate risk information gradually became dominant in the last quarter of the entire examined time interval, the legal consequences prescribed in the DH2 act. decisions related to the mass presentation of claims

that do not require the presentation of a claim are typically from 2018-19, i.e. in time are more limited. The part of the 3rd hypothesis that can be applied to Curia research is that after 2014, consumer claims enforcement was mainly aimed at redressing interests that were not settled by legislation. In this regard, the scope of the accounts to be pronounced based on the DH laws is relevant. Claims settled by legislation were clearly marginalized in the second half of the period. On the other hand, due to the ex nunc forint conversion, DH3 TV does not affect the period between the conclusion of the contract and the conversion. in direct connection with its content, an ever-increasing proportion was the litigation of the exchange rate risk. This in itself proves the 3rd hypothesis, at least the segment of it that can be justified by asserted law.

There is nothing surprising in the fact that lawsuits presented in cases included in a forensic investigation are almost without exception invalid, or even invalid, since since it is a matter of first-instance forensic cases, the competence of the Budapest-Capital Regional Court could include foreign currency credit lawsuits based on two old Pp. provisions, namely, on the basis of the special jurisdiction rule according to Section 23 (1), point k) (lawsuits initiated on the invalidity of unfair contract terms), as well as in accordance with the general provision contained in point a) of this paragraph. Based on the extracted data, it is clear that the vast majority of lawsuits are based on the old Pp. On the basis of § 23, subsection (1), point k), or under the jurisdiction of the court. This is supported by the fact that the claim papers of only 2 cases did not contain a claim for invalidity based on unfairness, which can be classified in a predetermined category. In my opinion, the high proportion of claims with the letter code „ÁF” in the claim forms and their subsequent considerable decrease can be explained by the jurisdiction rules. Data collection could not have been carried out without prior definition of the claim types, however, I made it likely that one or even all of the categories „cannot be classified elsewhere” could raise additional questions. The proportion of „ME” in claim forms of 6% and in judgments of 2,3% is negligible, but this cannot be said for the „ÁF” category. Along with the fact that this type of claim accounted for 45,9% of the claims, the claims belonging to it were so different that further differentiation was not possible. Their only common denominator was that they alleged the unfairness of one of the provisions of the contract between the litigants with content or stipulations that could not be classified as any of the other types of claims. The appearance in lawsuits is a possible explanation for a large number of legal representatives' argument, which I often heard in the courtroom during my

own practice of law, that they attacked certain clauses of the contracts solely so that ,,the lawsuit would definitely fall under the jurisdiction of the tribunal". This intention seems to be confirmed by the fact that, from the data, during the trial – after the establishment of the jurisdiction of the tribunal – a significant part of these claims were abandoned, they were not maintained; the proportion of 27,8% in judgments is definitely a significant decrease compared to claims.

In the forensic research, in the case of 4 of the individual types of lawsuits, an increase in verdicts compared to lawsuits can be shown, of which the increase in the number and proportion of exchange rate risk and factual certification lawsuits is significant. The number of invalidity claims based on dishonesty due to the lack of or insufficient exchange rate risk information presented in lawsuits more than doubled in the judgments, and at the same time became by far the most common type of claim. However, the increase in dishonesty claims with factual certificates is even higher than this. In my opinion, the significant growth rate of these two types of claims convincingly confirms the 2nd hypothesis, in connection with the fulfillment of which the maximum number of questions that can be raised is that the massive increase in claims based on fact certificates is solely due to the DH2 tv. 37, or was it caused by a change in the plaintiffs' personal relationships (termination of the contract by a financial institution, ordered or anticipated enforcement, etc.). The latter, however, shades the explanation of the change at most, and does not affect the ascertainability of its fact. The trends that can be read from the data clearly prove the existence of hypothesis 1. The dynamic between the two temporal states, which can be demonstrated in the enforced law, and thus its heterogeneity, is convincingly supported by several data independently of each other, from which I highlight that in only 6 cases out of 133 cases, i.e. in 4,5% of the trials, complete identity can be demonstrated between the between claims presented in a statement of claim and those settled by judgment, i.e. in 95,5% of the cases, some content occurred change of claim and/or partial withdrawal from claim.

The VI. chapter (,,Legislation and litigation enforcement: Is the continuation of litigation also proof of the ineffectiveness of legislation?") serves to verify the contents of hypothesis 3, the means of which is to reveal the legislative intent that can be determined from the relevant legislative products. The subject of the evaluation is not a comprehensive evaluation of foreign currency credit legislation, but the subject of the investigation is whether a connection

can be demonstrated between the continuation of lawsuits after 2014 and the relevant legal content, more specifically, to prove that the enforcement of consumer claims after 2014 was mainly not settled by legislation aimed at remedying conflicts of interest. To do this, it is necessary to define what constitutes a violation of consumer interests and to what extent the adopted laws do or do not form a common set, and to what extent their content was aimed at remedying the violation of interests. In this connection, in my view, regardless of the content of the foreign currency credit legislation, as a quasi ,,abstract legislative goal" – it is necessary to determine, in the case of which legal regulatory content, in view of the characteristic features of foreign currency-based consumer loan contracts, the foreign currency credit legislation can be considered to settle the issue comprehensively and definitively. By this I mean that, due to the specific characteristics of foreign currency-based loan and lease agreements, the consumer is obliged to pay all possible additional costs resulting from the currency-based nature (such as the exchange rate gap, resulting from exchange rate changes, and all other fees and costs arising due to and in connection with the currency-based nature), the reimbursement of these additional costs to the consumer can only be considered complete and closed, i.e. the consumer's interests have been fully as eliminative, if it refers to all the additional costs that are charged to him due to the currency basis and that are actually incurred and paid in the period from the conclusion of the contract to the (required by legislation, due with the financial institution) settlement. Compared to the outline of the ,,abstract" legislative content, it can be determined to what extent the ,,concrete", actually adopted regulatory content combined with it eliminated the harm to consumer interests.

In order to determine the ‚specific legislative intent", to answer the questions raised, to examine the impact of the DH laws on litigation, it is necessary to highlight the relevant content of these laws (a detailed description of them is part of Chapter III), as well as to explain the related justifications. From these, as well as the 2002-2010 Act of the Constitutional, Justice and Order Committee of the Parliament, which was adopted before the 2014 legislative wave. In my opinion, from the report adopted by a parliamentary resolution on the investigation of the causes of household foreign currency indebtedness and the examination of possible government liability, the conclusion clearly emerges that the legislative products with foreign currency credits were not aimed at the subsequent elimination of all factors that cause consumer indebtedness until the conclusion of the contract, i.e. with ex tunc effect . In the case of contracts that account for about 80% of

consumer burdens and are affected by forint conversion by law, the legislator did not provide for the refund of the exchange rate difference incurred in the period from the conclusion of the contract to the forint conversion, and left the elimination of possible harm to consumer interests within the framework of individual legal disputes. (The legislator was aware that the vast majority of consumer claims are aimed at establishing some degree of invalidity; this is proven by the fact that he prescribed an additional requirement exclusively in connection with the invalidity claim, namely the submission of a legal consequence claim.) There is no reference to the latter in the normative text of the laws either, nor in the justifications, however, it is a direct consequence of the „lawmaker's silence". I will not address it in this chapter, but in the section on legislation and application of the law, but the Curia of Hungary took a position in accordance with this, when it annulled some of the decisions to terminate the lawsuits made by the Metropolitan Regional Court, which precluded the possibility of suing the exchange rate risk by referring to legislation.

The VII. In chapter (‚The need to initiate lawsuits and the content of the asserted right in the light of the outlined background"), I discuss whether it was necessary for consumers to litigate currency-based contracts, and if the question can be answered in the affirmative, then whether the indicated asserted right was is it a suitable tool to protect consumer interests? In my opinion, the intention of at least ex post relief from the excess consumer burden accumulated mainly as exchange rate differences during the 7-8 year period between the majority of the contracts concluded in 2007-2008 and the date of forint conversion in 2015 necessarily resulted in the initiation and mass of foreign currency credit lawsuits. This was reinforced by the fact that none of the competent regulatory, supervisory and legal organizations assessed the growing public indebtedness as a serious problem requiring practical action. The fact that the state regulation was initially only effective ex nunc and affected and interpreted the content of loan contracts concluded at the same time as or after the entry into force of the legislation or its amendment also influenced the initiation of the lawsuit. However, the right asserted by consumers, which is generally defined as invalidity, was not necessary. In my view, it does not follow from the curia's assessment of claims for contract modification, which occur sporadically through the court, that there was a dogmatic obstacle to contract modification by the court until the forint conversion, in the context of e.g. to the forint conversion. In the rather turbulent 2010s with regard to foreign exchange credit lawsuits, various authors of the legal literature published on this subject, at different times,

basically unanimously took a stand in favor of bringing forward this claim, or at least pointed out that this would be (would have been) the appropriate tool to eliminate consumer harm. Finally, VIII. chapter contains the main findings of the dissertation in a summary manner.

V. New and novel scientific achievements

This thesis is the first to make general statements about the foreign exchange credit lawsuits that started about a decade and a half ago, their factual basis and the rights asserted in the lawsuits, based on the content of litigation documents learned during the investigation of individual cases - publicly published anonymized decisions and court search warrants. The presentation of the basic litigation data in a verifiable manner is novel in itself, and the description of the main trends that can be read from this content contributes to the knowledge of this type of litigation. Furthermore, since the factual basis of these lawsuits is the biggest credit crisis of the period since the system change, due to the time interval affected by the research and other specific aspects, it was also possible to demonstrate the validated effects of the relevant legislation and legal application guidelines. Thanks to and as a result of this, the most important characteristics of the litigation type can be outlined, supported by both the summary data of the basic research and the facts that can be considered as the background (case flow data, legislation, Curia of Hungary and CJEU law application, etc.). Lawsuits were initiated by consumers after the financial crisis of 2008, basically regarding Swiss franc-based contracts concluded between 2004 and 2009, which make up the majority of the loan portfolio, with the aim of establishing the partial or total invalidity of these contracts. (The asserted law can be considered homogenous to the extent that it was based on some reason for invalidity. In comparison, the legislation of 2014 was more variable, as it also applied the amendment of the contract in addition to nullity based on ex lege and statutory presumption. The latter cannot be demonstrated to a significant extent in earnings.) The proliferation of these lawsuits was greatly facilitated by the old Civil Code. 2012 amendment, which made it possible to submit an action for the declaration of invalidity without submitting an action for the deduction of its legal consequences. (Essentially, this was the only legislative amendment adopted before 2014 that affected the enforcement of legal claims, all subsequent ones were aimed at the temporary treatment of household indebtedness or the facilitation of preferential release from the obligation.) Before the wave of legislation in 2014, the majority of claims related to certain consumer burdens contractual stipulations (exchange rate gap, unilateral

amendment) or aimed at establishing the complete invalidity of the contract, the the latter for nullity reasons defined in the old Civil Code, or CXII of 1996. based on the provisions of the Act (old Hpt.) prescribing nullity of sanctions.

The wave of legislation in 2014 did not result in a decrease in the number of lawsuits in relation to several years, but it did bring changes in the enforced law. In the period after 2014, consumers referred less and less to the previously common legal claims of invalidity, on the other hand, claims based on the lack of or insufficient exchange risk information regarding the exchange rate difference burden not settled by legislation became more and more common. The other striking change is the increasingly frequent litigation of contractual clauses that do not involve financial performance, which is clearly related to the obligation to present a claim for legal consequences prescribed by law in 2014. In the case of these lawsuits, the judicial practice did not require the presentation of a claim for legal consequences, however, the spectacular increase in the number of lawsuits based on these lawsuits may not only be related to the assertion of claims connected with the intention to be exempted from legal obligations; it is at least as important a factor that since these lawsuits attacked the stipulations regarding settlement and other acts (e.g. sales) due during the execution, they could also be induced by a change in the factual situation on the plaintiff's side (termination of the contract, initiation of execution). The number of these claims showed a decreasing trend in the last years of the curia research period.

The fundamental characteristic of the lawsuits is their concentration in the central region. In itself, neither the ratio of this region to the total population of Hungary (approx. 30% throughout the examined period) nor the general rule of jurisdiction based on the seat of the defendant (the vast majority of financial institutions were and are located in Budapest) does not justify such a degree of territorial inequality, let alone the jurisdiction nor due to the amendment of the rule effective from January 1, 2014.

VI. Publications published on the subject of the dissertation

Kis Tamás: On the changes in the procedural legal frameworks that define foreign exchange credit lawsuits. In: Gazdaság és Jog, 2024/7-8., 38-48. p.

Kis Tamás: An „average” foreign exchange credit lawsuit in light of the right to be asserted. In: Ember és Jog, 2024/1., 81-106. p.

Kis Tamás: Ongoing foreign exchange credit lawsuits - Unproductive legislation? In: Jogtudományi Közlöny, 2025/2., 84-91. p.

Kis Tamás: Obligation and framework for ex officio recognition of nullity in foreign currency credit lawsuits. In: FORVM Publicationes Doctorandorum Juridicorum Szeged, XIV. year, under publication.

Kis Tamás: Certain issues of contract amendment through legislative and judicial means, with particular regard to foreign currency credit lawsuits. In: Közjegyzők Közlönye, 29. year, under publication.

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