

User agreement of the Electronic Auction System

1. Legal basis and publication of the user agreement of the Electronic Auction System

Statutory authorisation

The conditions for the operation and use as bidder of the Electronic Auction System (hereinafter: EÁR) operated by the Hungarian Association of Judicial Officers (hereinafter: Association) are defined by the Association on the basis of Section 253/F (1) of the Act LIII of 1994 on Judicial Enforcement (Vht.) and based on the authorization given in the Section 9 of the IRM decree No. 27/2008. (XII.10.) on the detailed rules for the operation of the IT application of the electronic auction system (decree EÁR) with the approval of the Minister for Justice. The User agreement is published by the Association on the EÁR interface for users.

Modification of the User agreement

The Association may amend the User agreement with the approval of the Minister for Justice. The Association publish the amended User agreement for users on the EÁR interface, indicating the date of publication. After the publication of the modification of the User agreement, the bidder can only perform an operation in the system EÁR after accepting the modification of the User agreement in the "I accept the modified User agreement of the Electronic Auction System" message offered by the system at the start of the first operation.

Relevant provisions

For the operation and use of EÁR, as well as its use as a bidder, the provisions of the EÁR regulation and of the Vht. are governing, in addition to the provisions of this User agreement.

General information:

You can get all the necessary information and answers about the legal provisions applicable to bidders, the terms and conditions of electronic bidding and the expiration of the deadline, payment of the purchase price, and all other frequently arising questions affecting any user at <https://arveres.mbvk.hu/arverezok/#> page in the General information under the Electronic Auction System Information menu item.

1. Explanatory Note

Electronic Auction System: an interface operated by the Association (or the operator commissioned by it) and accessible on the Internet at www.mbvk.hu, on which, through the IT application operated by the Association, the bailiffs publish the auctions, register the bidders, the bidders and the groups of bidders can make purchase offers electronically at electronic auction of movable and immovable property.

Auction: conventional auction of movable property (Vht.118-129 §.), electronic auction of movable property (Vht. 132/B-132/G §), electronic auction of immovable property (Vht. 141-156. §), electronic property acquisition procedure(Vht. 158. §), auction started on request to interrupt the continued electronic auction of immovable property (Vht. 159. § (2) bek.)

Auction notice: the written (printed and/or electronic) action made by the bailiff to set the auction. The public page of the EÁR: the public page of the system that can be viewed by anyone without user registration in the EÁR, User: the person who consult the EÁR's register or performs an operation through the EÁR system.

Bailiff: independent court bailiff and general court bailiff entitled to use an official electronic signature.

Bidder: user listed in the electronic register of bidders.

User registration: registration of the bidders in the electronic register of bidders, the bailiff is a registered user of the EÁR by force of law.

Request for activation: the bidder's request to the bailiff conducting the auction via the EÁR interface in order to activate his username and password for participation in a specified auction.

Bidding log: the set of data lines containing the data of all purchase offers published in the auction system during the auction period (the bidder's unique identifier, the amount and time of receipt of the purchase offer).

2. Responsibility for the content of the data published in the EÁR

Registered users are responsible for the authenticity of the data published in the system and registered in the EÁR records. The user acknowledges that indication of details of property in the auction notice published in the system EÁR and in other documents about the auction, does not mean a complete description of the property's properties, and it does not mean that the bailiff or the Association arranging for publication is responsible for the physical and technical condition and quality of the property, as well as for the defects and deficiencies of the property noticed by the user.

3. Setting and operating options for bidders

The bidder as an auctioneer user, can enter in the EÁR interface by entering his user name and password. Bidders can use the following EÁR services: - page refreshing on the home page and for the detailed data of the auction item, - acceptance or rejection of the User agreement, - changing the bidder's password, - changing the unique identifier (nickname) of the bidder visible to everyone, - changing electronic mail address, - determining the length of hit lists within the framework provided by the system, - monitoring the auctions designated by the bidder on the home page, - submission of a request for the return of the auction deposit, - making a purchase offer at an electronic auction (bidding).

4. Bidder's registration

During the bidder's registration, the bidder's data included in Article 132/E (2) of the Vht. and made available to the bailiff are recorded by filling out and transmitting the EÁR's electronic data sheet (registration data sheet for bidders). During the registration process, the bidder receives the username, password and unique identifier (collectively referred to as bidder's identifier) required to use the system EÁR as a bidder, with which he becomes entitled to use the system as a bidder. Each bidder (including the groups of bidders) may only have one auctioneer ID; further registration will be automatically rejected by EÁR. Registration will also be rejected if the bidder's registration form is incompletely filled out by the bailiff.

*Registration is subject to a fee, registration can be completed after payment of the fee. The fee must be paid to the independent court bailiff (substitute independent court bailiff) or general court bailiff (substitute general court bailiff), which is **6000 HUF**.*

Registration into the electronic register of bidders can be done in person, at any independent court bailiff or general court bailiff. The list of independent court bailiffs, their office address and opening hours can be viewed at www.mbvk.hu, and the office address and opening hours of court bailiffs can be found on the courts' websites. In order to register into the electronic register of bidders, the natural person or organization wishing to register must present the following documents to the bailiff: -identification document, - certificate of domicile, - official ID card containing tax identification code, For registration of organization: a certificate of incorporation, company extract and in the case of other organizations than a company, a certificate of registration from the organization managing the registration, in the case of a legal representative, a document proving the identity and address of the legal representative of the person wishing to register, in the case of a proxy, a power of attorney and the documents of the proxy listed above. The power of attorney given for registration must contain the serial number of the identity card, the certificate of domicile and of taxpayer's card of the principal as well as the data contained in these documents and contained in Article 132/E (2a) of the Vht. In the absence of the presentation of the necessary documents and the provision of the data contained in Article 132/E (2a) of the Vht, the registration cannot be started. Before registration, the document and data verification according to Article 47/A of the Vht is carried out by the bailiff in the system JÜB.

Registration takes place after acceptance of the User agreement. The User agreement is accepted by signing the printed copies of the User agreement at the time of registration and handing over one of the signed copies to the bailiff performing the registration. From the registration, the bidder receives a printed extract containing his data recorded in the system, as well as the date of registration, the name and registered office of the bailiff who performed the registration, which must be signed by both the bailiff and the bidder registrant (legal representative, proxy). The extract contains the unique character sequence of the registration generated by EÁR.

5. User name and password

During registration, the bidder receives a unique user name (the bidder's unique identifier) generated by EÁR. The password must be entered by the bidder when entering in the EÁR system for the first time by clicking on the link in the activation email sent to the notification email address. The password can be changed at any time later in the bidder's own settings. The password provided by the bidder must consist of at least 8 characters, which must contain uppercase and lowercase letters as well as number. If the bidder has forgotten his password, he can request by a link a new password by filling out and submitting the form available on <https://arveres.mbvk.hu/ujjelszo/>. The bidder acknowledges that the actions performed by the user who entered the EÁR interface with his user name and password are considered by other users as actions performed by him. The bidder is responsible for ensuring that his user name, password and his unique identifier do not become known to unauthorized persons; the bidder is also responsible for any possible damage incurred.

6. Change of data, cancellation

The bidder can ask to change of his data in the electronic register of bidders at any bailiff's office. The document, paper containing the changed data must be presented to the bailiff. The modification is subject to a fee, and the modification can be made after payment of the fee. The fee which is 3000 HUF must be paid to the independent court bailiff (substitute independent court bailiff) or general court bailiff (substitute general court bailiff) acting in the change of data.

No fee shall be paid for the change of data incorrectly entered in the electronic register of bidders due to a typo made when filling out the electronic data sheet for this purpose. Changing the password and the bidder's unique identifier can only be done on the EÁR interface; it is also possible to change the email address under the Settings menu item. The system sends information about changing the password, the bidder's unique identifier and the electronic mail address to the electronic mail address provided by the bidder. The bidder, in addition to presenting his identification documents, can request his deletion from the register at any bailiff's office free of charge, if he does not have a purchase offer published in the system at the time of submitting the cancellation request. In the case of a published purchase offer, the system automatically rejects the cancellation.

7. Activation of bidder's unique identifier

The condition for the activation of the bidder's unique identifier for a given auction item is – in addition to the fulfillment of other conditions specified in the Vht for participating in the auction as a bidder – the payment or transfer of the auction deposit to the bailiff's deposit account conducting the auction and the transmission of the activation request via the user interface. In the activation request, the bidder declares that he has paid the auction deposit - with the exception of the electronic property acquisition procedure - he has taken note of the auction conditions and he is not banned from the auction, and also makes other declarations specified in the EÁR regulation.

The bailiff decides on the activation request within the deadline stipulated in Article 26 of the EÁR regulation. The EÁR displays a system message on the interface about the bailiff's decision and - for informational purposes - also sends an electronic letter to the bidder. The system message about the rejection of the activation request also contains the reason for the rejection indicated by the bailiff. The bidder acknowledges that in order to make a purchase offer before the closing of the bidding log, he must submit the activation request at such a time that the bailiff has sufficient time for activation. The latest date recommended by the Association for submitting the activation request is the 3rd working day before the closing of the bidding log.

The consequences of late submission of the activation request shall be borne by the bidder. The bidder acknowledges that the identification of the transferred auction deposit for the fulfillment of the activation request is possible if he indicates in the comment box of the transfer order the enforcement case number, the unique character sequence of the registration generated by EÁR and the auction item's identification number. The bidder is responsible for identification problems arising from possible typos in the comment box. The bidder acknowledges that the bailiff is not obliged to investigate the origin of the amounts paid by transfer; the bailiff will return the unidentifiable amounts to the transferor.