

*Good lawyers give good answers.
Excellent lawyers ask the right questions.*

Pontes lawyers represent clients in all sorts of disputes in courts and arbitration tribunals. By way of example, we handle large claims for damages, insurance-related claims, construction and concession disputes as well as disputes relating to energy contracts and other utilities, employment, IP or insolvency. In investment arbitration disputes, we regularly act as local counsels for investors. Cross-border and complex issues are a common feature of our disputes.

WILL A JUDGMENT AWARDING PUNITIVE DAMAGES BE FOUND CONTRARY TO PUBLIC POLICY?

POLAND

Very likely, yes.

SOLIVAN.

www.solivan.pl

CZECH REPUBLIC

No, unless the amount is found to be excessive.



www.jsk.cz

AUSTRIA

Very likely no.

graf patsch taucher

www.gpra.at

HUNGARY

Only if it is found to be contrary to Hungarian law.



www.hunlaw.hu

SLOVAKIA

Possibly. Very likely if the amount is found to be excessive.

MAJERNÍK & MIHÁLIKOVÁ
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www.mmlaw.sk

ROMANIA

Possibly, if it is found to be unreasonable.



www.ja.ro

BULGARIA

Possibly.

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Warning: We like clarity just as much as you do. This overview could not be made without extensive implication, generalisation and simplification.

This overview can be used for general reference, but please call or email us before drawing any conclusions based upon it.

PONTES: the CEE lawyers is a network of independent law firms providing full service commercial legal support in the Central and Eastern European countries (CEE). For more details, please visit www.ponteslegal.eu

	AUSTRIA	BULGARIA	CZECH REPUBLIC	HUNGARY	POLAND	ROMANIA	SLOVAKIA
Who bears the burden of proof with respect to recovery of damages claimed by a company against its directors?	Claimant (except for acting with due care).	Claimant.	Claimant (except for acting with due care).	Claimant.	Claimant.	Claimant.	Claimant (except for acting with due care).
May courts in your country impose an obligation to provide documents necessary for evidence?	YES, subject to specific conditions (e.g. if the party in possession of a document referred to the document as evidence to prove its own factual allegations).	YES, except if such documents are subject to an NDA.	YES, if such documents are necessary to prove a specific argument in the proceedings.	YES, unless the documents contain confidential information that falls under professional or other equivalent secrecy.	YES, unless the document contains confidential data.	YES, when one of the parties has a document necessary to solve the case, unless it has a confidential content or concerns strictly personal matters regarding the dignity or private life of a person.	YES, except if such documents are subject to the duty of confidentiality set out or recognised by law.
What measures can courts use to enforce this obligation?	Fines up to EUR 100,000 (may be imposed repeatedly) or secondary coercive detention.	Fine up to EUR 600.	Fine up to EUR 2,000 (may be imposed repeatedly).	Fine up to EUR 3,000.	Fine up to 700 EUR.	The court may consider the statements made regarding the content of the not-submitted documents as proven and may impose fines up to EUR 150.	Fine up to EUR 2,000.
Does your jurisdiction allow for preliminary injunctions?	YES	YES	YES	YES	YES	YES	YES
Are there any sanctions for unjustified or even malicious preliminary injunction proposals?	Liability for damages.	Liability for damages.	Liability for damages.	Liability for damages.	Liability for damages.	Liability for damages and a fine up to EUR 210.	Liability for damages.
Does your jurisdiction offer any instrument issued by an authority other than a court or arbitrators that makes a debt directly enforceable?	YES, a notarial deed on recognition of debt with a clause for direct enforcement.	YES, creditor secured by registered pledge is allowed to initiate an enforcement on the pledged property.	YES, a notarial deed on recognition of debt with a clause for direct enforcement.	YES, a notarial deed on recognition of debt with a clause for direct enforcement.	YES, a notarial deed on voluntary submission to enforcement proceedings.	YES, notarial deeds, as well as other documents provided by the law (e.g. promissory notes, cheques, credit contracts, movable mortgage agreements).	YES, e.g. notarial deed on recognition of the debt by the debtor.