WHAT IS NEW IN COMPETITION LAW IN HUNGARY

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Outline

1. the relationship between EU and Hungarian competition law

2. Hungarian courts’ decisions

3. Competition Council decisions

1. the relationship between EU and Hungarian competition law

the effect on trade between member states = in dubio pro reo?

EU competition law provides constitutional certainty for Hungarian competition law

preliminary ruling reference stopped from Hungary after Allianz and Budapest Bank

EU Commission argued as Amicus Curiae

2. Hungarian court decisions

appeals rate in competition cases decreasing in Hungary

competition authority cannot impose a fine if the administrative time is exceeded: court linked administrative time with reasonable time

Indirect evidence: requirements of precise and detailed evidence. see: T-341/17, British Airways plc v European Commission ECLI:EU:T:2022:182., 369

single, continuous infringement: subsequent illegal meetings or subsequent market conduct should substantiate the comprehensive plan?

„Company B” internal e-mails

E-MAIL 1: „COMPANY B” EMPLOYEE SAYS INTERNALLY THAT „COMPANY A” SHOULD WIN THE PUBLIC PROCUREMENT TENDER

E-MAIL 2: „COMPANY B” EMPLOYEE KNOWS THAT „COMPANY A” HAS RECEIVED A REQUEST FOR ADDITIONAL INFORMATION AND WILL FOLLOW UP WITH „COMPANY A” ABOUT ITS SUCCESS

3. Competition Council decisions

Cartel as *de facto* control?

no-poach agreement

sustainability cartel (batteries)

Summary

- Hungarian competition authority decisions are less frequently challenged
- the application of EU competition law in Hungary may be made more difficult
- the court links the violation of administrative/procedural time limit with the annulment of the right to impose fine
- single, continuous cartels: subsequent market conduct should confirm and substantiate the comprehensive plan and aim of the single infringement