

Legal environment of business

[Environment](#), [Ecology](#)



[pic] B? BS Legalenvironmentof business Home Assignment Seminar leader:

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Introduction.....3 2. The

constitutional order of Hungary..... 3 1.

Legislation..... 3 2. Execution

tasks..... 3 3. Judicial

power..... 4 3. The constitutional

order of the EU..... 4 1.

Legislation..... 4 2.

Execution tasks..... 5 3. Judicial

power..... 5 4. Conclusions

(similarities + differences)..... 6 5.

Reference.....7 Introduction

Aim Law is a system of rules usually enforced through a set of institutions. It shapes politics, economics and society in numerous ways and serves as a primary social mediator of relations between people. The aim of this

assignment is to review and make comparative analysis of the constitutional order of the Republic of Hungary and European Union. Objective of this work:

Give clear understanding about the constitutional order of Hungary and

European Union • Highlight differences and similarities • Make a conclusion

The constitutional order of Hungary Legislation Hungarian Parliament is

unicameral, 386 –member highest organ of the state authority who ensures

the constitutional order of society and determines orientation, organization

and conditions of Government. Its members are elected for four-year term.

The main tasks are initiation new laws, passing laws, electing public persons and approving budget. Only Parliament has exclusive right to pass the law.

After passing the laws the Speaker of Parliament sign the law and send it to President of the Hungary. The President ensures promulgation of the law.

Then the law must be promulgated in the Official Gazette. The main tasks and responsibilities:

- Passing the law
- Ensures the implementation of the laws
- Electing public persons (President of the Republic, the Prime Minister, the General Prosecutor, the members of the Constitutional Court, the President and Vice-Presidents of the State Audit Board, the President of the Supreme Court and the ombudsmen)
- Approving budget

Concluding international agreements

- Ensures the elaboration of economical, cultural and social plans and control of their implementation
- Coordinates the work of national organs and ministries

Execution tasks

Execution tasks are managed by Government. And this authority divides into two: central and local level. The central authority - is central policy-making and its main executive bodies. The members of the government are Prime Minister and the ministers. Role of the Prime Minister is very high he is responsible for all government policies including activities of other members of the government. As a mention above he elected by Parliament. Other members also responsible for their works and must report on their activities to the Parliament and Government itself. The main tasks and responsibilities:

- Initiating new laws
- Controlling and supervising the legal operation of local government in cooperation with the Minister of the Internal Affairs
- Ensure the implementation of the law

Directing and coordinating the work of the ministries and other central offices placed under its direct supervision

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Formulating the social and economic policies, defining the state system of social welfare and healthcare services, and ensuring sufficient funds for such services • Controlling the armed forces operations Judicial power Hungarian justice is administered by the courts. Aims of these courts are to protect the rights and lawful interests of citizens, ensure constitutional order and punish the perpetrators of criminal offences. Legality of the decisions of public administration is also supervised by courts.

Court system in the Republic of the Hungary divides into two: 1. Ordinary courts, 2. Special courts. The ordinary courts are organized on four levels: the Judgment Boards, the Court of the Capital and the county courts, the Supreme Court of the Republic of Hungary and the last but not the least is local courts. The constitutional order of European Union Legislation There are two bodies responsible for the legislative tasks in the EU. First one is The Council of the European Union (officially the Council and commonly referred to as the Council of Ministers) is the principal decision-making institution of the European Union. The Council is composed of twenty-seven national ministers. The primary purpose of the Council is to act as one of the two chambers of the EU's legislative branch. The Council is the main law-making body of the EU (on the initiative of the Commission and in co-decision with the European Parliament). The Council is based in Brussels, but meets at fixed intervals in Luxembourg. Second body responsible for legislative task is European Parliament. The European Parliament is the directly elected parliamentary institution of the European Union.

Its essential function is to express the will of the Union's citizen in the Community decision-making process hand-in-hand with the Council, representing the interests of the Member States. Together with the Council of the European Union, it forms the bicameral legislative branch of the EU and has been described as one of the most powerful legislatures in the world. The Parliament is composed of 736 Members of the European Parliament. It has been directly elected every five years by universal suffrage. Also the Parliament shares budgetary powers with the Council. It is situated in Strasbourg.

The main tasks and responsibilities:

- The Council
- Adopts the annual European Union budget with the European Parliament
- Determines European Commission's internal and external policy
- Coordinating actions and policies of the Member States
- Represents EU in relations with states and international organizations and signs international treaties on behalf of the EC

The Parliament

- Enacts the EU legislation
- Adopts the EU budget (with the Council)
- Shares final decision on most proposals with Council (co-decision procedure)
- Approval of international agreements

Political control and supervision of the Commission

- Political control of the Council in external relations by giving assent to all international treaties signed by the Council on behalf of the EC

Execution tasks

Execution tasks of the European Union are handled by the European Commission. The Commission is independent of national governments. Main purpose is to represent and uphold the interests of the Union in general. The Commission is responsible for implementing the decisions of Parliament and the Council.

In two words Commission managing the general day-to-day running of the Union like implementing its policies, running its economical, cultural and social plans, spending its funds and so long. The Commission operates as a cabinet government, with 27 Commissioners (one per state). The Commissioners and their immediate teams are based in Brussels. The main tasks and responsibilities:

- Propose legislation to European Parliament and European Council
- Implements European policies and programs
- Executes the European budget
- Oversees policies of the MS Enforce European law (jointly with the Court of Justice)
- Administrate external affairs

Judicial power The European Court of Justice is the highest court in the European Union in matters of European Union law. Its main purpose is to make sure that European legislation is interpreted and applied in the same way in all European countries, so that the law is equal for everyone. The European Court of Justice was established in 1952 and is based in Luxembourg. The ECJ comprises one judge from each Member State, nominated by national governments and appointed by the common accord of the governments of the Member States.

The judges select one member to be the President for three years. The main tasks and responsibilities:

- In cooperation with the national courts unifying interpretation of European law through “ Preliminary ruling procedure”
- Adjudicates actions filed against European institution or Member State
- Adjudicates legal disputes between the European employees and European institutions

Conclusions (similarities + differences) The comparison of Hungarian and European legislative bodies shows that in Hungary only one

legislative authority (the Parliament) and in European Union two (the Council and the Parliament).

However their tasks and responsibilities are almost same, with some specific aspects. In Hungarian Parliament all members are elected by citizens, while in European Union only Parliaments members are elected by citizens of Member States. Further I want to consider differences and similarities of the executive power of Hungary and European Union. Main difference is their competences, in Hungary Government executes the law while European Commission only supervising this process.

But overall Government of Hungary and European Commission execute almost the same government tasks (approving the budget, implementing policies and programs and so long). Judicial power of the Hungary aimed to protect the rights and lawful interests of citizens, ensure constitutional order and punish the perpetrators of criminal offences. This court divides into ordinary court and special court. And European Court of Justices is tasked with interpreting European Union law and ensuring its equal application across all European member states. It is composed of one judge per member state currently 27.

In conclusion I want to say that differences in structure and organization of legislation, execution and judicial power are coming from the point that Hungary as a single country must organize such processes only for themselves, taking into account only their interests. And European Union must organize those processes for whole Union; taking into account interests of all Member States. E. g. Law making process in European Union is

complicated. Because it must involve the interests of the member states in the Council and the Parliament, with the interests of the Commission.

This is a reason why the constitutional order of the European Union is bigger and more complicated. Reference 1. Nigel Foster (2008) EU Law Directions. OUP Oxford Press. 2. Philip Norton (2003) "National parliaments and the European Union", Managerial Law, vol. 45, issue 5/6, page 5-25 The Constitution of the Republic of Hungary [online]. [Accessed 9th April 2010]. Available from World Wide Web: 3. Summaries of EU legislation [online]. [Accessed 10th April 2010]. Available from World Wide Web: 4. The European Union [online]. [Accessed 10th April 2010]. Available from World Wide Web: ; http://en.wikipedia.org/wiki/European_Union ;