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Is Hungary the black sheep of the EU?

Member states of the European Union are obliged to harmonize their legislation with the EU’s laws. If this is not complied with, the European Commission launches an “infringement procedure”, which is designed to always ensure the use of community law. This process consists of several stages, and in the last resort it ends at the European Court of Justice. The Court may decide that the Commission is right, thus forcing the governments to correct their national laws; but it may also decide to dismiss the case.

Hungarian politics focused on the infringement procedures for the first time after the 2010 change of government, when the European Commission initiated procedures against Hungary in three important cases. These procedures were launched to protect the independence of the Authority for Data Protection, the national bank and the justice system, which implied that the basic institutions of democracy do not function properly; therefore they stirred up a major political storm. Since then, further proceedings were launched against Hungary because of – among others – the special tax on telecommunication sector, the nationalization of the mobile payment system and the redistribution of tobacco trade market.

However, the most significant development is that the EC has also started an investigation into the circumstances of the Paks nuclear power plant’s planned expansion. Brussels primarily examines if the agreement on this mega-investment is consistent with the EU standards. The basic problem is that the contract of the investment between the Hungarian and Russian governments had been signed without any public procurement tender for its implementation.
Nevertheless, in a European comparison we find that relatively few (21 pcs) procedures were conducted against Hungary as of May 1, 2014. This number of procedures initiated against Hungary because of alleged violations of European Union law does not even reach the EU average (30 pcs). In the Central and Eastern European region, the most procedures are conducted against Poland, while the absolute first is Italy. It is important to see that Hungary came repeatedly into the crossfire of the international press not only because of the sheer number of infringements alleged by the EC, but because these proceedings were initiated in connection to the violation of the most basic values of the Union. The EC guards the total body of EU law, in more than 20 separate fields, and obviously there is far less political stir over violations of (for example) fishing regulations than over a controversial reorganization of the complete judicial system.

To sum up, we can say that the depth of the conflict between the Hungarian government and the European Commission can be assessed properly only if we focus not on the absolute amount of infringement procedures, but on the root causes of these procedures instead.