

**EGYETEMI LOGO**

**KÁROLI GÁSPÁR REFORMÁTUS EGYETEM**  
Állam- és Jogtudományi Kar

**KÁROLI GÁSPÁR UNIVERSITY OF THE REFORMED CHURCH IN HUNGARY**

Faculty of Law And Political Sciences

**ENGLISH COURSE FOR LAW STUDENTS**

**INTRODUCTION TO THE HUNGARIAN LEGAL SYTEM IN ENGLISH**

**II. semester**

**2025.**

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Students may be absent from three lessons.

They will be evaluated on the basis of their participation and contribution in the lessons and their test results.

## Lesson I

### OWNERSHIP

#### *I. Match the terms and definitions.*

1. legal capacity	A are collective organisations considered by the law as having a legal personality distinct from the natural individuals who make them up; may possess both rights and duties; recognised associations, recognised committees, companies etc.
2. legal competency	B a human being, not a fictitious person such as a corporation; a legal subject with legal capacity
3. legally incompetent person	C the ability to make binding legal arrangements, sue and be sued and make other decisions of a legal nature
4. natural person	D who lacks the ability to manage his/her affairs for some reason
5. artificial person	E the ability to understand legal rights and responsibilities

#### *II. Try to explain the meaning of the expressions in italics.*

##### The object of ownership:

- Ownership extends to *components*. In the case of doubt ownership shall extend to *accessories* as well.
- Ownership of a building may be *claimed* by the owner of the land. The owner of the land shall have the *right of preemption* in respect of the building.

##### Content and protection of ownership:

- An owner has the *right of possession* and is entitled to protect possession.
- An owner is entitled to use and *collect the proceeds* from a thing.
- An owner *bears the liabilities* belonging to the thing as well as the damages for which no one can be obliged to *make compensation*.
- Owners shall be entitled to *demand compensation* from persons in an emergency.
- Owners shall be entitled to *demand indemnification* from persons who cause unjustifiably great damage in the course of eliminating emergency.
- A person may possess, use, and collect the proceeds of a property owned by another person by virtue of *usufruct*.
- For the duration of the usufruct, the owner may exercise the right of possession, use, and collection of proceeds only if the *beneficiary* of usufruct does not exercise his rights thereto.
- An owner has the right to surrender the possession, use or usufruct of a thing to another person. An owner has the right to use the thing as a security or *encumber* it in another way, and to transfer or *abandon* ownership.
- The ownership of *real property* may not be abandoned.

**Exercise I.: Form expressions.**

- |                         |                         |
|-------------------------|-------------------------|
| 1. right of _____       | 5. to demand _____      |
| 2. to abandon _____     | 6. _____ property       |
| 3. to _____ liabilities | 7. _____ to claim _____ |
| 4. to make _____        |                         |

Acquisition of ownership:

- by transfer
- by means of official resolution or auction
- adverse possession (a person who has continuously possessed a thing for ten years shall acquire ownership by adverse possession)
- found property
- succession

**Exercise II.: Discuss the following case studies.**

1. Mr Smith has wonderful pear trees in his garden. Some of the pear trees have branches reaching over Mr White's garden, who hasn't got such beautiful fruit. Mr White is envious of Mr Smith's pear trees especially because he has the intention to preserve and can fruit. Therefore, Mr White decides to pick some pears from the ground of his own garden and keeps the fruit. He also cuts the overreaching branches as he does not like the sight of them.
2. Mr Smith buys a fair-sized land in Bihartyüttyös. He especially likes the area because only a few houses have been built in the neighbourhood, so he doesn't have to worry about noisy neighbours. He decides to have a family house built and gets the necessary construction permit from the building authority. However, when his house is finished, it turns out that he has his house built beyond the boundary line of his land due to the fact that the size of his land has not been correctly registered by the land office. What are his obligations now?
3. John, Steve, and Peter White are brothers and have inherited a house with a garden in the countryside. As Steve and Peter White live in the town and do not have the intention to give up their hectic city-lifestyle, they are not going to move into the house. At the same time, the two brothers are business partners in their own limited liability company, which has financial difficulties at the moment. In order to solve the financial problems, the two brothers want to draw some loan from a bank and are thinking of pledging the house inherited as security to the bank. Can they do so?
4. Mr White and Mr Smith are neighbours in a block of apartments. The walls of the building are in a fairly bad state of repair. All the tenants would like to have both the internal walls and the façade of the house washed and repaired. The tenants are willing to pay for the re-painting and the other construction work except for Mr White and Mr Smith.
5. Mr White and Mr Smith are neighbours. Mr White's land is cut off from any suitable public road. What right may Mr White exercise?
6. One day Mr Smith is digging in his garden and he finds a casket, a box full of treasures. He can tell at the first sight that the jewels and coins in it are valuable. What shall he do with the treasures?

**Exercise III.: Fill in the gaps with a suitable word.**

verb	noun
possess	
	1. owner 2.
	acquisition
benefit	
compensate	
	damage
collect	

**Exercise IV.: Answer the questions.**

- What can be the object of ownership?
- Explain the two terms 'components' and 'accessories' and bring examples for them.
- What are the major rights of the owner?
- Explain the term 'usufruct'.
- How can ownership be acquired?

**Vocabulary**

to	abandon –ed;-ed (ownership)	ITT: felhagy vmivel (tulajdonjoggal)
	accessory	tartozék
to	acquire (-ed;-ed)	(meg)szerezni
	acquisition	szerezés
	acquisition of ownership	tulajdonjog szerzése
	adverse/prescriptive possession	elbirtoklás
	artificial/legal person	jogi személy
	auction	árverés
to	be entitled to sg/do sg	joga van vmire/megilleti
to	bear (bore; borne) the liabilities	viseli a terheket
	beneficiary of usufruct	ITT: haszonélvező
	by virtue of	jogcímen
to	claim (-ed; -ed)/demand	követelni
to	collect (-ed;-ed) the proceeds	hasznokat szedni
	component	alkotórész
	damage	kár
to	demand (-ed; -ed) indemnification	kártérítést követelni
	easement	szolgálat
to	encumber (-ed;-ed)	megterhel
	encumbered estate	jelzáloggal megterhelt birtok
	for the duration of the usufruct	ITT: a haszonélvezeti jog fennállása alatt
	heritable/real property	ingatlan
	in respect of/with respect to	vmire vonatkozólag
	intellectual property right	szellemi alkotások joga
	legal capacity	jogképesség
	legal competency	cselekvőképesség

	legally incompetent	cselekvőképtelen
to	make (made; made) compensation	kárt megtéríteni
	moveable property	ingó dolog
	official resolution	hatósági határozat
to	own (-ed; -ed)	tulajdonában tartani
	owner of the land	földtulajdonos
	ownership	tulajdonjog
to	possess (-ed; -ed)	birtokolni
	possession	birtok
	real property	ingatlan
	right of disposition	rendelkezési jog
	right of possession	birtoklás joga
	right of preemption	elővásárlási jog
	right to disposition	rendelkezési jog
	security	biztosíték
	succession	öröklés
to	surrender (-ed; -ed)	átenged
to	transfer (-red; -red)	átruház
	usufruct	haszonélvezeti jog

## Lesson II

### CONTRACT LAW I

#### *I. Form expressions and explain their meaning.*

to sign    to reach    contracting    an agreement a contract  
contractual duties/obligations    to conclude    termination of  
to make    parties    to perform    to contest    to breach    is terminated

#### *II. Match the definitions.*

1. party	in contracts a specified condition or provision
2. term	the cancellation or annulment of a contract by mutual consent or by law.
3. offer	a person or entity involved in an agreement.
4. rescission	fulfillment of the contractual obligations
5. performance	a proposal to enter into certain arrangement

#### *III. Fill in the gaps with the words given.*

*content                  injured                  agreement                  mutual                  obligations*  
*terminated                  breach                  null                  claim*

1. A contract may be defined as a(n) \_\_\_\_\_ between at least two parties which the law will enforce.
2. The parties are free to define the \_\_\_\_\_ of contracts.
3. Contracts are concluded upon the \_\_\_\_\_ and communicated expression of the parties' intent.
4. The \_\_\_\_\_ under a contract are satisfied by performance of the terms of the contract.
5. If the general contract conditions are unfair, such clauses may be contested by the \_\_\_\_\_ party.
6. \_\_\_\_\_ can be defined as violation of a contract by failing to perform one's contractual obligations.
7. Breaching a contract often gives rise to \_\_\_\_\_ for damages.
8. A contract can be \_\_\_\_\_ by mutual rescission.
9. Contract directed towards impossible services shall be \_\_\_\_\_ or void.

**IV. Which word/expression is it?**

1. manno for pnerce \_\_\_\_\_
2. chbrea fo ctracton \_\_\_\_\_
3. tualmu ssionresci \_\_\_\_\_
4. redinju patyr \_\_\_\_\_
5. cudeoncl a onctract \_\_\_\_\_

**V. Which of the following do you think would be a valid contract?**

1. you agree to buy a 13-year-old's bike for 100 pounds
2. you agree to buy someone's house, but only because he is pointing a gun at your head
3. an employer interviews you and offers you a job. Three days later she withdraws the offer
4. you agree to buy your friend's wife for 1000 pounds. You were joking, but he was not
5. your friend promises to steal something for you
6. you buy a ticket at the theatre but you don't like the performance
7. you get a ticket from a car park barrier and park your car. Later the car is stolen. There is a large notice inside the car park telling customers that the company does not accept liability for loss or damage.
8. You are in a shop and want to buy something on display. You offer the shop keeper the money but he won't sell.

**VI. Make sentences out of the following words.**

1. its/has/party/each/performed/obligations

\_\_\_\_\_

2. parties/a contract/between/two/an agreement/is/at least

\_\_\_\_\_

3. impossibility/of/terminated/contracts/performance/may be/by/

\_\_\_\_\_

4. seek/injured/can/the/party/damages

\_\_\_\_\_

5. be/ delayed/can/a breach/considered/performance

\_\_\_\_\_



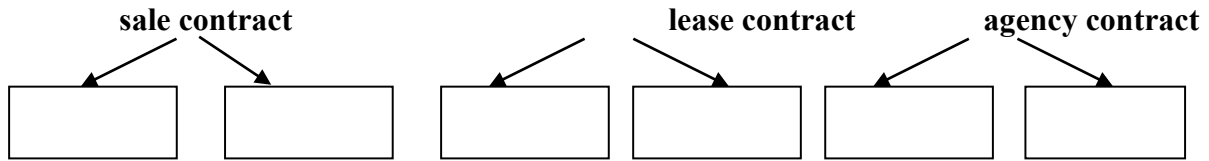
## Vocabulary

to	breach (-ed,-ed) a contract	szerződést szegni
	breach of a contract	szerződésszegés
	by mutual consent	kölcsönös akarattal
to	cancel (-led;-led) a contract	felbontani szerződést
to	conclude (-d;-d)/make/enter into/sign a contract	szerződést kötni
	consideration	ellenszolgáltatás
to	contest (-ed;-ed) a contract	szerződést megtámadni
	contract directed towards impossible services	lehetetlen szolgáltatásokra irányuló szerződés
	contracting parties	szerződő felek
	contractual duties/obligations	szerződéses kötelezettség
	defective/deficient performance	hibás teljesítés
	extinction of a contract	szerződés megszűnése
	impossibility of performance	teljesítés lehetlenné válása
	injured party	sérelmet szenvedő fél/sértett fél
	invalidity	érvénytelenség
	mutual	kölcsönös
	nonperformance	nemteljesítés
	notice of termination	felmondás
	null	semmis
	partial performance	részleges teljesítés
to	perform –ed;-ed	teljesít
	(legal) remedy	jogorvoslat
to	rescind (-ed;-ed) a contract	elállni a szerződéstől
	rescission	elállás
	terms/conditions of contract	szerződés feltételei
to	terminate (-d;-d) a contract	megszüntet
	termination of a contract	szerződés megszűnése vagy megszüntetése
	the contract is extinguished	a szerződés megszűnik
	the contract is terminated	a szerződés megszűnik
	void/invalid	érvénytelen
	valid contract	érvényes szerződés
	voidable contract	megtámadható szerződés

## Lesson III

### CONTRACT LAW II

#### *I. Who are the contracting parties?*



#### *II. Which contract type may the following sentences be included in?*

**sale contract:**

**lease contract:**

**agency contract:**

1. The object of the contract may only be used for residential purposes.
2. The mandator hereby commissions the agent with the intermediation of the lease of the real estate defined in Article 1.1.
3. The commission fee is one month's rent as agreed to in the contract signed.
4. The parties agree that a change in the mode of using the flat as stipulated hereby shall constitute an important reason for immediate termination of the Agreement.
5. All expenses arising from the performance of the agency shall be borne by the agent.
6. The lessee shall not sublet the apartment.
7. The mandator undertakes not to commission third persons for agency of the real estate under Article 1. during the term of the commission.
8. If a third person has a right to an object of a sale that prevents the buyer from acquiring ownership, the buyer shall be entitled to rescind the contract and demand damages.
9. Sellers shall not be liable for defects that could be recognized by buyers.
10. The rent shall be paid monthly in advance on the first day of the month.
11. Buyers shall bear all of the costs related to the transfer of a real property and the correction of the status recorded in the property register.
12. Changes of the object of the contract may only be made with the lessor's consent.
13. Buyers shall bear the contract costs, title transfer fees, the costs of conveyance, and the costs of changing ownership registration in the property register.
14. All questions not regulated by this Agreement shall be governed by the Hungarian Civil Code.
15. The parties agree on a rent in the amount of Hungarian Forints ... per month.

16. The agent shall find tenants and negotiate contracts with the tenants under the most advantageous conditions for the mandator.

***III. Translate the following sentences into English.***

1. Ez a szerződés aláíráskor lép hatályba.

2. Bármelyik szerződő fél jogosult a szerződést fontos okból (\**for reasonable cause*) azonnali hatállyal felmondani.

3. Az eladó köteles a Vevő által megrendelt árukat az előírt minőségben szállítani.

4. A jelen szerződés határozatlan időre (\**unlimited time*) szól.

5. A szerződő felek kijelentik, hogy a fenti szerződéses kikötéseken (\**stipulations*) túl, más megállapodás közöttük nem jött létre.

6. A jelen szerződés módosítása csak írásban, a felek aláírásával hatályos.

**IV. Fill in the gaps with the words given.**

**purchase price                      retain      due                      security interest acknowledged**  
**warrants                      possession date                      transferring reserves                      inspection**  
**hereby**

**AGREEMENT FOR PURCHASE & SALE OF REAL ESTATE**

AGREEMENT dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between  
\_\_\_\_\_, hereinafter "Seller" whose address is  
\_\_\_\_\_ and \_\_\_\_\_  
hereinafter "Buyer" whose address is \_\_\_\_\_.

1. THE PROPERTY. The parties **1)** ..... agree that Seller will sell and Buyer will buy the following property, located in and situated in the County of \_\_\_\_\_, State of \_\_\_\_\_, known by street and address as \_\_\_\_\_, more particularly described as follows (enter legal description below):

The sale shall also include all personal property and fixtures, except:  
\_\_\_\_\_

Unless specifically excluded, all other items will be included, whether or not affixed to the property or structures. Seller expressly **2)** ..... that property, improvements, building or structures, the appliances, roof, plumbing, heating and/or ventilation systems are in good and working order.

2. **3)** .....: The Total Price shall be \$ \_\_\_\_\_ payable as follows:

Earnest money: (Receipt of which is hereby **4)** ..... ) \$ \_\_\_\_\_  
Cash or certified funds **5)** ..... at closing: \$ \_\_\_\_\_

3. EARNEST MONEY. Upon default of this agreement, seller shall **6)** ..... earnest money as his sole remedy without further recourse between the parties.

4. CLOSING. Closing will be held on or about \_\_\_\_\_, 20\_\_\_\_, at a time and place designated by buyer. Buyer shall pay the following costs in **7)** ..... title: transfer fee, transfer taxes, recording fees. The buyer may extend the closing date an additional THIRTY (30) days by paying the seller \$ \_\_\_\_\_ in cash. Buyer **8)** ..... the Right to do a final "walk through" the day of closing.

5. POSSESSION. Seller shall surrender possession to the property in broom clean condition, and free of all personal items and debris on or before \_\_\_\_\_, 20\_\_\_\_ ("possession date"). In the event possession is not delivered at closing, buyer shall withhold proceeds from the sale in the amount of \$ \_\_\_\_\_ as **9)** ..... Seller shall be liable for damages in the amount of \$ \_\_\_\_\_ per day for each day the property is occupied beyond the **10)** .....

6. INSPECTION. This agreement is subject to the final **11)** ..... and approval of the property by the buyer in writing on or before \_\_\_\_\_, 20\_\_\_\_.

7. ACCESS. Buyer shall be entitled a key and be entitled to access to show partners, lenders, inspectors and/or contractors prior to closing. Buyer may place an appropriate sign on the property prior to closing for prospective tenants, contractors.

## Vocabulary

to	acknowledge	elismer
	agency contract	megbízási szerződés
	agent	megbízott
to	be liable for	felelős
to	bear bore borne (costs)	viseli a költségeket
to	commission (-ed;-ed)	megbízni
	commission fee	megbízási díj
	default	késedelem
to	default (-ed;-ed) on sg	1. nem teljesíteni 2. késedelembe esni
	due	esedékes
	earnest money	foglaló
	encumbrance/incumbrance	teher
	force majeure	vis major
	hereby	ezúton/ezennel
	hereinafter	továbbiakban
to	inspect –ed;-ed	megtekinteni
	intermediation	közvetítés
	lease	bérbe adás
	lease contract	bérleti szerződés
	lessee	bérlő
	lessor	bérbeadó
	obligee	jogosult
	obligor	kötelezett
	payable	fizetendő
	possession date	birtokba adás napja
	principal/mandator	megbízó
	property register/land registry	ingatlan-nyilvántartás
	purchase price	vételár
to	reserve –d;-d (the right)	fenntartani (jogot)
to	retain –ed;-ed	visszatartani, megtartani, megőrizni
to	revoke –d;-d/withdraw (withdrew; withdrawn)	visszavonni
	sale contract	adásvételi szerződés
	security interest	biztosíték
	sole owner	kizárólagos tulajdonos
to	stipulate (-ed;-ed)	kikötni
	stipulations	kikötések
	title transfer fee	tulajdon átruházási illeték
to	undertake (undertook; undertaken)	vállalni
to	warrant –ed;-ed	szavatolni

## Lesson IV

### BUSINESS ASSOCIATIONS

#### *I. Fill in the gaps with the words given.*

*limited liability companies   limited partnerships   joint enterprises*  
*companies limited by shares   unlimited partnership*

Business association with legal personality are: \_\_\_\_\_, \_\_\_\_\_ .  
\_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ .

*acquire participation   sue   foundation   natural persons*  
*member with unlimited liability   legal capacity   obligations*

Under its company name, a business association has \_\_\_\_\_, may acquire rights and undertake \_\_\_\_\_, in particular, may acquire property, conclude contracts, may \_\_\_\_\_, and may be sued.

Business associations may be founded by foreign and domestic \_\_\_\_\_, legal persons or business associations without legal personality for the purpose of pursuing business-like economic activity. Such persons may join these business associations as a member or \_\_\_\_\_ (shares) therein.

With the exception of limited liability companies and companies limited by shares, at least two members are required for the \_\_\_\_\_ of a business association.

A natural person may be a \_\_\_\_\_ in only one business association at a given point in time.

#### *Answer the questions.*

1. List business associations with and without legal personality.
2. Mention some things a business association is entitled to do under its company name.
3. Who has the right to found business associations in Hungary?
4. How many members are generally required for the foundation of a business organization?
5. Which business organization types form an exception to this regulation?
6. Why is it against the law if a natural person becomes a member with unlimited liability in two business organizations?

#### *II. Match the English and Hungarian cards. Which business association are they about?*

**unlimited partnership:**

**limited partnership:**

**joint enterprise:**

**limited liability company:**

**company limited by shares:**

1. Members undertake to pursue joint business-like economic activities with unlimited, joint and several liability, and to make available to the business association the contribution necessary for such activities.	<b>A</b> Legalább egy tag (beltag) felelőssége a társasági vagyon által nem fedezett költségekért korlátlan és a többi beltaggal együtt egyetemleges.
2. ... are founded with a share capital (subscribed capital) consisting of shares of a pre-determined number and face-value. The obligation of the members extends to the provision of the face value and issue value of shares.	<b>B</b> A tagok által alapított. A társaság kötelezettségeiért elsősorban maga a társaság felel saját vagyonával. Ha a vállalat vagyona a tartozásokat nem fedezi, a tagok a vállalat tartozásaiért együttesen – vagyoni hozzájárulásaik arányában – kezesként felelnek.
3. At least one other member (limited partner) is only obliged to provide the contribution undertaken in the articles of association. With exceptions stipulated by law, the limited partner is not liable for the obligations of the partnership.	<b>C</b> Előre meghatározott összegű törzsbetétekből álló törzstőkével (jegyzett tőkével) alakul. A tag kötelezettsége csak törzsbetétenek szolgáltatására és társasági szerződésben esetleg megállapított egyéb vagyoni hozzájárulás szolgáltatására terjed ki.
4. The sum of the face value of all shares shall be the share capital/subscribed capital.	<b>D</b>  A társaság kötelezettségeiért – a törvényben meghatározott kivétellel – a részvényes nem felel.
5. Members may not be recruited by public invitation. The amount of initial capital may not be less than three million HUF.	<b>E</b>  Az összes részvény névértékének az összege a részvénytársaság alaptőkéje (jegyzett tőkéje)
6. ... are founded with an initial/subscribed capital consisting of capital contributions of a predetermined amount. The obligation of the members to the company extends only to the provision of their capital contributions and to other possible contributions set forth in the articles of association.	<b>F</b>  Ennek a gazdasági társaságnak a tagjai arra vállalnak kötelezettséget, hogy korlátlan és egyetemleges felelősségük mellett üzletszerű közös gazdasági tevékenységet folytatnak és az ehhez szükséges vagyoni hozzájárulást a társaság rendelkezésére bocsátják.
7. ... are founded by members. Here, it is the enterprise which is first and foremost liable for its obligations. If the assets of the enterprise do not cover any debts, the members shall, in proportion to their contribution, bear joint liability for the debts of the enterprise as guarantors.	<b>G</b> Előre meghatározott számú és névértékű részvényből álló alaptőkével (jegyzett tőkével) alapul. A tag kötelezettsége a részvény névértékének vagy kibocsátási értékének szolgáltatására terjed ki.
8. This type of business association shall be primarily liable for its obligations with its assets. If the assets of the partnership do not cover an obligation, the members shall bear unlimited, joint and several liability with their private property for the obligations of the partnership.	<b>H</b> Legalább egy másik tag (kültag) csak a társasági szerződésben vállalt vagyoni betétje szolgáltatására köteles, a társaság kötelezettségeiért azonban, törvényben meghatározott kivétellel nem felel.

9. There is at least one member (general partner) whose liability is unlimited for the obligations which are not covered by the assets of the partnership. The liability of the general member is joint and several with all other general partners.	<b>I</b> A társaság kötelezettségeiért elsősorban a társaság felel vagyonával. Amennyiben a társasági vagyon a követelést nem fedezi, a társaság kötelezettségeiért a tagok saját vagyonukkal korlátlanul és egyetemlegesen felelnek.
10. With some exceptions defined by law, shareholders shall not bear liability for the obligations of the company.	<b>J</b> a ... társaság vagy nyilvánosan vagy zártkörűen működik attól függően, hogy részvényei nyilvános forgalomba hozatalára sor kerül-e részben/egészben vagy részvényeit nyilvánosan nem hozzák forgalomba.
11. This form of business association may be a public company or a close company depending on whether its shares are issued publicly in part or in full or if they are not issued publicly.	<b>K</b> Tilos a tagokat nyilvános felhívás útján gyűjteni. A törzstőke összege nem lehet kevesebb hárommillió forintnál.

## Vocabulary

to acquire participation	részesedést szerez
articles of association	társasági szerződés
assets	vagyon
to bear (bore; borne) joint liability	együttesen felel
to bear liability for the obligations	kötelezettségekért felel
board of directors	igazgatótanács
business association	gazdasági társaság
capital contribution	törzsbetét
company limited by shares	részvénytársaság
to cover (-ed;-ed) debts an obligation	tartozásokat követelést / fedez
entrepreneur	vállalkozó
face value	névérték
fusion	fúzió
general partner	beltag
guarantor	kezes
in proportion to the contribution	a vagyoni hozzájárulás arányában
initial capital	alaptőke/törzstőke
issue value	kibocsátási érték
joint and several liability	egyetemleges felelősség
joint enterprise	közös vállalat
joint stock company	részvénytársaság
limited liability company	korlátolt felelősségű társaság
limited partner	kültag
limited partnership	betéti társaság
to make sg available	rendelkezésre bocsát
merger	vállalati egyesülés
obligation extends to	kötelezettsége kiterjed
Private Company Limited by	Zrt



Shares	
proprietor	tulajdonos
Public Company Limited by Shares	Nyrt
public invitation	nyilvános felhívás
to recruit members by public invitation	nyilvános felhívás útján gyűjt tagokat
share capital	alaptőke
shares are issued publicly	a részvényeket nyilvánosan kibocsátják
sole trader	egyéni vállalkozó
subscribed capital	jegyzett tőke
unlimited liability	korlátlan felelősség
unlimited partnership	közkereseti társaság
to undertake to pursue joint business-like economic activity	üzletszerű, közös gazdasági tevékenységet folytat (arra vállalkozik)
With exceptions stipulated by law	a törvényben meghatározott kivétellel

## Lesson V

### LABOUR LAW

#### *I. Explain the meaning of the following terms. How are they connected to Labour Law?*

employment      employment relationship      employer      employee  
employment contract      trade union      collective bargaining agreement

#### *II. Fill in the sentences with the missing words.*

legal guardians      employee      consent      notify      employment relationship (2x)  
minors      employer

1. The parties to an employment relationship shall be the \_\_\_\_\_ and the \_\_\_\_\_.
2. All persons entering into a(n) \_\_\_\_\_ as employees must be at least sixteen years of age.
3. Persons of diminished capacity may also enter into an employment relationship without the permission of their \_\_\_\_\_. In terms of employment-related matters, employees under eighteen years of age shall be construed as \_\_\_\_\_.
4. Minors under sixteen years of age may only enter into an employment relationship with the \_\_\_\_\_ of their legal guardians.
5. All employers must have legal capacity. Employers shall \_\_\_\_\_ employees as to which office or person exercises or fulfills the employers' rights and obligations (employer's rights) originating from the \_\_\_\_\_.

*Answer the questions.*

1. Who can be an employer in Hungary?
2. Who can be an employee in Hungary?

#### *III. True or false?*

#### **Trial Period** **Section 81.**

1. A trial period may be stipulated under the employment contract upon the establishment of the employment relationship.
2. The duration of the trial period shall be thirty days. (as a general rule!)
3. A shorter or longer trial period, not exceeding three months, may not be stipulated in the collective bargaining agreement, or an agreement made by the parties.
4. 4. During the trial period only the employer may terminate the employment relationship with immediate effect.

5. Employment contracts may only be amended by the mutual consent of employers and employees.

6. An employment contract may be amended to the employee's disadvantage by a collective bargaining agreement.

***IV. Match the two columns. Translate the sentences.***

***Establishment of an Employment Relationship  
Section 76.***

1. Unless otherwise prescribed by law,	A set forth in writing.
2. The employment contract shall not be contrary to the collective bargaining agreement	B the employee within a period of thirty days of the first day of commencing work.
3. An employment contract shall specify	C unless it stipulates more favorable terms for the employee.
4. Employment contracts shall be	D an employment relationship shall be established by an employment contract.
5. Invalidity on the grounds of failure to set forth the contract in writing may only be cited by	E the employee's personal base wage, job profile and place of employment.

***V. Give the right heading for the passages.***

**A Regular Dismissal**

**B An Employment Relationship Shall Cease**

**C Extraordinary Dismissal**

**D Termination of an Employment Relationship**

**E Severance Pay**

1. \_\_\_\_\_

- a) upon the employee's death,
- b) upon the dissolution of the employer without legal successor,
- c) upon the expiration of the term designated.

2. \_\_\_\_\_

- a) by mutual consent of the employer and the employee;
- b) by regular dismissal;
- c) by extraordinary dismissal;
- d) with immediate effect during the trial period;

3. \_\_\_\_\_

Both the employee and the employer may terminate the employment relationship established for an unlimited duration by notice. No deviation from this provision shall be considered valid. Employers shall justify their dismissals. The justification shall clearly indicate the cause

therefor. A reason for dismissal shall only be a cause connected with the employee's ability, his behaviour in relation to the employment relationship or the employer's operations.

4. \_\_\_\_\_

An employer or employee may terminate an employment relationship this way in the event that the other party

a) willfully or by gross negligence commits a grave violation of any substantive obligations arising from the employment relationship, or

b) otherwise engages in conduct rendering further existence of the employment relationship impossible. No deviation from this provision shall be considered valid.

5. \_\_\_\_\_

An employee shall be entitled to this if his employment relationship is terminated by regular dismissal or in consequence of the dissolution of the employer without legal succession. The employee, however, shall not be entitled to receive this if he is eligible for old age pension on or before the date of termination of his employment relationship.

#### ***VI. Fill in the gaps with the missing words.***

#### **From an employment contract**

instalments	overtime	salary	pension scheme	sickness absence
collective	notice	Social Security		at the discretion
		sets out		

This document 1) \_\_\_\_\_ the terms and conditions of employment which are required to be given to the Employee by national law.

1 **Salary.** The Employer shall pay the Employee a 2) \_\_\_\_\_ of £20,000 per year by equal monthly 3) \_\_\_\_\_. The Employer shall pay this into an account of the Employee's choosing.

2 **Hours of employment.** The Employee's normal hours of employment shall be 26 hours per week. These hours can be worked 4) \_\_\_\_\_ of the Employee as a flexitime agreement is in operation as a 5) \_\_\_\_\_ agreement between the Employer and the NUPW. There is no additional payment for reasonable 6) \_\_\_\_\_ on Mondays to Fridays during the summer months.

3 **Sickness.** The Employee shall receive normal payment during 7) \_\_\_\_\_ for a maximum of 6 weeks in any period of 12 months. This will be less the amount of any 8) ) \_\_\_\_\_ illness benefits or payments to which the Employee may be entitled.

4 **Pension.** There is no 9) \_\_\_\_\_ available to the Employee.

5 **Termination.** The Employer may terminate this agreement by giving written 10) \_\_\_\_\_ to the Employee as follows:

1. With not less than a fortnight of notice during the first 2 years of continuous employment
2. With not less a month of notice after 2 years of continuous employment.

## Vocabulary

	account	(bank) számla
	base wage	alapbér
to	be eligible for sg	jogosult
to	cease –d;-d	megszűnik
to	cite –d;-d	ITT: hivatkozni
	collective (bargaining) agreement	kollektív szerződés
	conduct	magatartás
to	construe –d, -d	értelmez
	deviation	eltérés
to	employ -ed, ed	alkalmaz, foglalkoztat
	employee	munkavállaló
	employer	munkáltató
	employment	foglalkoztatás, alkalmazás
	Employment/labour contract	munkaszerződés
	employment relationship	munkaviszony
	extraordinary dismissal	rendkívüli felmondás
	flexitime	rugalmas (munkaidő)
by	gross negligence	súlyos gondatlansággal
by	notice/ to give notice	felmondással /felmond
	health care benefit	táppénz
	illness benefit	táppénz
	instalment	részlet
	job profile	munkakör
	Labour/Labor Code	Munka Törvénykönyve
	legal guardian/representative	törvényes képviselő
	legal successor	jogutód
	overtime	túlóra
	pension scheme	nyugdíjbiztosítás
	person of diminished capacity	korlátozottan cselekvőképes személy
	place of employment	munkavégzés helye
	regular dismissal	rendes felmondás
	salary	fizetés
	severance pay	végkielégítés
	sickness absence/s. leave	betegszabadság
	social security	TB
	substantive obligation	alapvető kötelezettség
to	arise/derive/originate from	származik, fakad, felmerül vmiből
to	commit a grave violation of	vmi súlyosan megsért
to	engage in conduct	magatartást tanúsít
to	justify	indokol
to	render sg impossible	vmi lehetetlenné tesz, ellehetetlenít
to	specify –ied,-ied	előír, kiköt, részletez

at	the discretion of sb	akarata/tetszése/mérlegelése szerint
	trade/labour union	szakszervezet
	trial period	próbaidő
	willfully/intentionally, deliberately	szándékosan
to	work/do overtime	túlórázik

## Lesson VI

### THE EU – ITS HISTORY AND ITS MAIN INSTITUTIONS

*I. Below are some of the different stages in the development of the European Community. Can you put them in the right order? Match the events with their dates.*

a) Spain and Portugal joined the Community	1973
b) The Treaty of Maastricht was signed	2001
c) the UK, Ireland and Denmark joined the Community. At the same time Norway voted against the referendum.	2004
d) the six founding States created the European Economic Community and the European Atomic Energy Community, through the Treaty of Rome	1986
e) with the Single European Act the Twelve committed themselves to creating, by 31 December 1992, the latest, a unified market with free movement of persons, capital, goods and services	1951
f) the accession of Austria, Finland, Sweden	1992
g) the European Coal and Steel Community was established by the Treaty of Paris signed by six states	1957
h) Greece joined the Community	1995
i) amendments to the Treaty governing the EU were agreed by the Heads of State and Government in Nice	1986
j) the accession of 10 countries, including Hungary	2007
k) Romania and Bulgaria joined the Community	1981
l) Lisbon Treaty	2007

*II Read about the institutions of the EU. Then speak about each organ.*

#### Council of the European Union

The Council is the EU's main decision-making body. It represents the member states, and its meetings are attended by one minister from each of the EU's national governments. Which ministers attend which meeting depends on what subjects are on the agenda. If, for example, the Council is to discuss environmental issues, the meeting will be attended by the Environment Minister from each EU country and it will be known as the "Environment Council".

Each minister in the Council is empowered to commit his or her government. In other words, the minister's signature is the signature of the whole government. Moreover, each minister in the Council is answerable to his or her national parliament and to the citizens that parliament represents. This ensures the democratic legitimacy of the Council's decisions.

The Council has six **key responsibilities**:

1. **To pass European laws.** In many fields it legislates jointly with the European Parliament.
2. **To co-ordinate the broad economic policies** of the member states.
3. **To conclude international agreements** between the EU and one or more states or international organisations.

4. To **approve the EU's budget**, jointly with the European Parliament.
5. To **develop the EU's Common Foreign and Security Policy (CFSP)**, based on guidelines set by the European Council.
6. To **co-ordinate co-operation** between the national courts and police forces **in criminal matters** (see: Justice and Home Affairs).

Most of these responsibilities relate to the "Community" domain - i.e. areas of action where the member states have decided to pool their sovereignty and delegate decision-making powers to the EU institutions. However, the last two responsibilities relate largely to areas in which the member states have not delegated their powers but are simply working together. This is called "intergovernmental co-operation".

The Presidency of the Council rotates every six months. Decisions in the Council are taken by vote. The bigger the country's population is, the more votes it has. But the number is not strictly proportional: it is adjusted in favour of the less populous countries. The Council takes decision:

- by unanimity
- by simple majority
- by qualified majority voting

The most common voting procedure in Council is "qualified majority voting".

### **The European Parliament**

The members of the European Parliament (MEPs) sit not in national blocks but in Europe-wide political groups that bring together all the main political parties operating in the EU member states. Since 1979, MEPs have been directly elected by the citizens they represent.

Parliamentary elections are held every five years, and every EU citizen who is registered as a voter is entitled to vote. So Parliament expresses the democratic will of the Union's citizens, and it represents their interests in discussions with the other EU institutions.

The European Parliament works in France, Belgium and Luxembourg. The monthly plenary sessions, which all MEPs attend, are held in Strasbourg (France) - the Parliament's "seat".

Parliament has three main roles:

1. It shares with the Council the **power to legislate**. The fact that it is a directly-elected body helps guarantee the democratic legitimacy of European law.
2. It exercises **democratic supervision** over all EU institutions, and in particular the Commission. It has the power to approve or reject the nomination of Commissioners, and it has the right to censure the Commission as a whole.
3. It shares with the Council **authority over the EU budget** and can therefore influence EU spending. At the end of the procedure, it adopts or rejects the budget.



## The European Commission

The Commission is the politically independent institution that represents and upholds the interests of the EU as a whole. It is the driving force within the EU's institutional system: it proposes legislation, policies and programmes of action and it is responsible for implementing the decisions of Parliament and the Council.

Informally, the Members of the Commission are known as "commissioners". They have all held political positions in their countries of origin, and many have been government ministers, but as Members of the Commission they are committed to acting in the interests of the Union as a whole and not taking instructions from national governments. A new Commission is appointed every five years, within six months of the elections to the European Parliament. The "seat" of the Commission is in Brussels (Belgium).

The European Commission has four main roles:

1. to **propose legislation** to Parliament and the Council;
2. to manage and **implement EU policies and the budget**;
3. to **enforce European law** (jointly with the Court of Justice);
4. to **represent the European Union** on the international stage, for example by negotiating agreements between the EU and other countries

## Vocabulary

accession	csatlakozás
Accession Treaty	Csatlakozási szerződés
Acquis Communautaire	közösségi joganyag
action for annulment	semmisségi kereset
action for damages	kártérítési kereset
action for failure to act	mulasztási eljárás
advisory body	tanácsadó testület
advocate(s)-general	főtanácsnok
agenda	napirend
binding in its entirety	teljes egészében kötelező
binding upon those to whom they are addressed	a címzettre nézve kötelező
case law	esetjog
chamber of X judges	x számú bíróból álló tanács
co-decision procedure	együttdöntési eljárás
co-funding	társfinanszírozás
commissioner	biztos
commitment	elkötelezettség
Committee of the Regions (CoR)	Régiók Bizottsága
Common Agricultural Policy	Közös Agrár Politika
Common Foreign and Security Policy (CFSP)	Közös Kül- és Biztonságpolitika
common market	közös piac
co-operation in foreign and security policy, justice and home affairs	Kül- és Biztonságpolitikái, Bel-és Igazságügyi Együttműködés

Court of Auditors	Számvevőszék
decision	határozat
decision-making body	döntéshozó szerv
direct effect	közvetlen hatály
directive	irányelv
directly applicable/direct applicability	közvetlenül alkalmazandó
enlargement/to enlarge	bővítés/bővít
EU budget	közösségi költségvetés
European Atomic Energy Community	
European Central Bank (ECB)	EKB
European Coal and Steel Community (ECSC)	Európai Szén- és Acélközösség
European Commission	Európai Bizottság
European Council	Európai Tanács
European Court of Justice (ECJ)	Európai Bíróság
European Economic and Social Committee (EESC)	Európai gazdasági és Szociális Bizottság
European Economic Community (EEC)	Európai Gazdasági Közösség
European Parliament	Európai Parlament
European Union	EU
European Union Civil Service Tribunal	EU Közszolgálati Törvényszék
first direct elections to the European Parliament	az első közvetlen választások
Founding Treaty	Alapító Szerződés
free movement of goods, capital, people and services	árak, tőke, személyek és szolgáltatások szabad áramlása
fund(s)	(pénz)alap
Grand Chamber /the Court sits as the full court/as the Grand Chamber	Nagy Tanács
impartiality is beyond doubt	az elfogulatlanság megkérdőjelezhetetlen
it has reason to believe	okkal feltételezi
jointly with	együtt vkivel
key responsibility/main role	fő feladata
law affects sy adversely	hátrányosan érinti
Lisbon Treaty	Lisszaboni Szerződés
Maastricht Treaty	Maastrichti Szerződés
Member State	tagállam
MEP(s)	EU Parlamenti képviselők
Nice Treaty	Nizzai Szerződés
non-member state	nem tagállam
obligation under EU law	a közösségi jogból eredő kötelezettség
policy	szakpolitika
preliminary ruling procedure	előzetes döntéshozatali eljárás
primary legislation	elsődleges jogforrás
proceeding for failure to fulfil an obligation	kötelezettségszegési eljárás
recommendation and opinion	ajánlás és vélemény
regulation	rendelet
secondary legislation	másodlagos jogforrás
Single European Act	Egységes Európai Okmány

single market	egységes piac
single/sole currency	közös valuta
The Council of the European Union	az Európai Unió Tanácsa
to accede to the Community	csatlakozni
to adjudicate disputes between	vitát elbírálni
to approve/reject the budget	jóváhagyja/elutasítja a költségvetést
to be at fault	hibás
to be committed to doing sth, e.g. acting in the interest of the EU	elkötelezi magát vmi mellett
to be composed of/consist of /comprise	áll vkiből/vmiből
to be in doubt about	kétkedik, kétsége van
to bring a case/an action before the court	
to cancel a law	megsemmisít
to chair/to head a meeting	ülést vezet
to claim/demand/seek compensation/damages	kártérítést követel
to comply with a judgment	eleget tesz az ítéletnek
to create a right	jogot keletkeztet
to declare a law null and void	semmisnek nyilvánítja a törvényt
to define political guidelines	politikai irányvonalat meghatároz
to delegate powers	jogkört átruház
to draft proposals	javaslatot készít
to enforce sth as it stands	végre kell hajtani, ahogyan azt előírták, meghatározták
to exercise democratic supervision over	demokratikus felügyeletet gyakorol
to fulfil criteria: high degree of price stability, sound fiscal situation, stable exchange rates, converged long-term interest rates	kritériumoknak megfelel: nagyfokú árstabilitás, stabil fiskális helyzet, stabil valutaárfolyam, konvergáló hosszútávú kamatlábak
to fund	finanszíroz
to give a ruling on	döntést hoz
to have a seat/to sit/to be seated/to be based	székhelye van
to have legal effect for its addressee	joghatálya van a címzettre nézve
to have no binding force	nincs kötelező hatálya
to hold Presidency of the Council of the EU	a Tanács soros elnökségét tölti be
to implement decisions	végrehajtja a határozatokat
to implement/transpose/incorporate into national law	beülteti /beemeli a nemzeti jogba
to impose a fine on	bírságot kiszab
to increase/to enhance cooperation	megerősíti az együttműködést
to introduce the single currency/changes/reforms	bevezet egységes valutát, változtatásokat, reformokat
to investigate allegations	állításokat kivizsgálja
to join the Community	csatlakozik
to lodge/file a complaint with the court	panaszt nyújt be/terjeszt be a bírósághoz
to merge national interests	egyesíti a nemzeti érdekeket
to pass European laws	Közösségi jogot alkot
to share authority over	közösen felügyeli
to suffer/incur damage/a loss/losses	kárt, veszteséget elszenved

to take effect upon notification	értesítéskor lép hatályba
to uphold an interest	érdeket képvisel
Treaty of Amsterdam	Amszterdami Szerződés
Treaty of Paris	Párizsi Szerződés
Treaty of Rome	Római Szerződés
value for money (the principle of)	pénzért értéket elve

## Lesson VII

### EU LAW II

#### *I. Make expressions.*

1. to interpret	A general
2. to settle	B lawyer
5. reasoned	C a ruling on sg
6. advocate	D ruling
7. to bring a case	E statement
8. competent	F legal dispute
9. to give	G hearing
10. preliminary	H law
11. written	I before the court
12. public	J opinion

### The European Court of Justice

The European Court of Justice ensures that EU legislation (technically known as "Community law") is interpreted and applied in the same way in each member state. The Court has the power to settle legal disputes between member states, EU institutions, businesses and individuals.

The Court is composed of one judge per member state, so that all the EU's national legal systems are represented. The Court is assisted by eight "advocates-general". Their role is to present reasoned opinions on the cases brought before the Court. The judges and advocates-general are either former members of the highest national courts or highly competent lawyers who can be relied on to show impartiality. They are appointed by joint agreement of the governments of the member states. Each is appointed for a term of six years, after which they may be reappointed for one or two further periods of three years.

To help the Court of Justice cope with the thousands of cases brought before it, and to offer citizens better legal protection, a "Court of First Instance" was created in 1989. This Court (which is attached to the Court of Justice) is responsible for giving rulings on certain kinds of case, particularly actions brought by private individuals and cases relating to unfair competition between businesses.

#### **What does the Court do?**

The Court gives rulings on cases brought before it. The five most common types of cases are:

- I. requests for a preliminary ruling;
- II. proceedings for failure to fulfil an obligation;
- III. proceedings/actions for annulment;
- IV. proceedings/actions for failure to act.
  
- V. actions for damages

## How is the Court's work organised?

Cases are submitted to the registry and a specific judge and advocate-general are assigned to each case.

The procedure that follows is in two stages: first a written and then an oral phase.

At **the first stage**, all the parties involved submit **written statements** and the judge assigned to the case draws up a **report** summarising these statements and the legal background to the case. From this report, the advocate-general assigned to the case draws his or her **conclusions**. In the light of these conclusions, the judge draws up a **draft ruling** which is submitted to the other members of the Court for examination.

Then comes the **second stage - the public hearing**. In principle, this takes place before the whole Court (in "plenary session"), but hearings can also take place before chambers of three or five judges, depending on the importance or complexity of the case. At the hearing, the parties' lawyers put their case before the judges and the advocate-general, who can question them. The advocate-general then gives his or her conclusions, after which the judges deliberate and deliver their judgment.

**Judgments of the Court** are decided by a majority and pronounced at a public hearing. Dissenting opinions are not expressed.

## *II. Match the terms and the definitions.*

- References for preliminary rulings
- Actions for failure to fulfil obligations
- Actions for annulment
- Actions for failure to act
- Appeals on points of law

**A** By **this**, the applicant seeks the annulment of a measure (regulation, directive or decision) adopted by an institution. The Court of Justice has exclusive jurisdiction over actions brought by a Member State against the European Parliament and/or against the Council (apart from Council measures in respect of State aid, dumping and implementing powers) or brought by one Community institution against another. The Court of First Instance has jurisdiction, at first instance, in all other actions of this type and particularly in actions brought by individuals.

**B** It is through **this** that any European citizen can seek clarification of the Community rules which affect him. Although **it** can be made only by a national court, all the parties to the proceedings before that court, the Member States and the European institutions may take part in the proceedings before the Court of Justice. In that way, several important principles of Community law have been established by **it**, sometimes in reply to questions referred by national courts of first instance.

**C** Such an action may be brought only after the institution concerned has been called on to act. Where the ... is held to be unlawful, it is for the institution concerned to put an end to the failure by appropriate measures.

**D** **This** enables the Court of Justice to determine whether a Member State has fulfilled its obligations under Community law. Before bringing the case before the Court of Justice, the

Commission conducts a preliminary procedure in which the Member State is given the opportunity to reply to the complaints against it. If that procedure does not result in the Member State terminating the failure, an action for infringement of Community law may be brought before the Court of Justice.

E ... on points of law only may be brought before the Court of Justice against judgments and orders of the Court of First Instance. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the Court of First Instance. Where the state of the proceedings so permits, the Court may itself decide the case. Otherwise, the Court must refer the case back to the Court of First Instance, which is bound by the decision given on the appeal.

### ***III. Put the words into the gaps.***

*subsidiarity(2x)   asylum   enhanced   co-decision   institutions   CFSP   citizenship  
qualified majority voting   single currency   enlargement   movement   three  
pillars*

#### **Maastricht Treaty**

3. Maastricht is officially known as the Treaty of the European Union and with it the EU came into existence for the first time.
4. By adding two new areas - justice and home affairs and a common foreign and security policy - to the existing European Community, the so-called \_\_\_\_\_ of the Union were established.
5. The people of the 12 member states were also given European \_\_\_\_\_. They now have the right to move and live in any EU state and may vote in European and local elections in any country.
6. Maastricht was also the blueprint for what was to be Europe's biggest project for the next decade - economic and monetary union. It defined the three stages of EMU which eventually led to the \_\_\_\_\_, and set out the convergence criteria or economic tests that member states have to pass.
7. The treaty also introduced integration in employment and social issues - at least for some members. The UK negotiated an opt-out of the so-called social chapter.
8. The treaty explicitly recognised the principle of \_\_\_\_\_ for the first time. \_\_\_\_\_ is the principle whereby the Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level.

#### **Amsterdam Treaty**

1. The 1997 Amsterdam summit focused on drafting a treaty to update and clarify the Maastricht Treaty and to start preparing the European Union for \_\_\_\_\_.
2. At Amsterdam, the newly-elected UK government dropped its opt-out making the social chapter part of the Treaty.
3. The sections of the Maastricht treaty on public health and consumer protection were toughened up, in reaction to public concerns over mad cow disease and other health scares.

4. The European Parliament was given powers to legislate in \_\_\_\_\_ with the Council of Ministers on a range of new issues including employment, social policy, health, transport and the environment.
5. In the Council of Ministers, unanimity was replaced with \_\_\_\_\_ on employment, social exclusion, customs and data protection amongst other issues.
6. Another important aspect of Amsterdam is the abolition of border checks by incorporation of the Schengen agreements into EU law for all member states except Britain and Ireland. The union members also agreed to co-ordinate their approach to \_\_\_\_\_ and immigration as well as increasing co-operation on police and law enforcement. The Schengen agreement emerged outside the framework of the European Union, and was initially signed by Belgium, France, Germany, Luxembourg and the Netherlands in 1985. Ten other countries - not all EU member states - have since joined them. As freedom of \_\_\_\_\_ is one of the main objectives of the European Union, the Treaty of Amsterdam agreed to incorporate Schengen into EU law. But the UK and Ireland remained outside the agreement due to fears of terrorism. Iceland and Norway signed an agreement with the EU in 1999 to involve them with the development of Schengen.

### **Treaty of Nice**

1. The Treaty of Nice was adopted by the EU Heads of State or Government on 11 December, 2000. The most important stipulations of the Treaty of Nice concern the adjustment of the EU \_\_\_\_\_ to an enlarged Union of 25 and later 27 or 28 members. The Treaty of Nice defines how the main EU institutions will function when the process of enlargement is completed.
2. The ratification of the Treaty of Nice will allow qualified-majority voting for decisions on 30 articles of the Treaty that previously required unanimity.
3. The Treaty of Nice now makes it easier to establish \_\_\_\_\_ cooperation by allowing a minimum of eight Member States to cooperate in all areas except military and defence. It also abolishes the veto option. Many areas, however, will need European Parliament approval.
4. The Nice Treaty amends certain provisions on the EU's Common Foreign and Security Policy (CFSP). For example, provisions defining relations between the Western European Union (WEU) and the EU have been removed from the Treaty on European Union, since the defence aspects of the \_\_\_\_\_ are to be framed by the EU itself.



## Lesson VIII

### INTERNATIONAL LAW

International law is the law of nations. It imposes specific obligations and rights on nations, just as domestic law imposes them on individuals. International Law, which is in most other countries referred to as **Public International Law**, concerns itself only with questions of rights between several nations or nations and the citizens or subjects of other nations. In contrast, **Private International Law** deals with controversies between private persons, natural or juridical persons, arising out of situations having significant relationship to more than one nation.

International Law is rooted in acceptance by the nation states which constitute the system. **Customary law** and **conventional law** are primary sources of international law. **International customary law** can be understood as the customs of states recognized as law, and it refers to the norms that states have recognized historically as binding them. The most obvious and important example of this is the norm of “pacta sunt servanda”, treaties must be obeyed. Recently the customary law was codified in the Vienna Convention on the Law of Treaties.

**Conventional international law** derives from international agreements and may take any form that the contracting parties agree upon. International agreements create law for the parties of the agreement.

**Treaties** are agreements among nations as to how they will behave with respect to each other. Treaties can be bilateral, between two countries, or multilateral, among many nations. Regardless of how they are called, they are binding on all nations that have ratified them. Countries must ratify a treaty before they are formally bound by it - this is usually done after obtaining permission from the government body empowered to give it (in the case of the US, the Senate must approve the treaty by a 2/3 majority). After a country has signed, but not yet ratified, a treaty, it must still do nothing that would be contrary to the aims and purposes of the treaty, but it is not bound by its specific articles.

There are certain norms of international law that are so universally accepted, that they bind all countries. This “peremptory norms of international law” permitting no derogation is called *jus cogens*.

International law imposes upon the nations certain duties with respect to **individuals**. It is a violation of international law to treat an alien in a manner which does not satisfy the international standard of justice. However, in the absence of a specific agreement an individual cannot bring the complaint. Only the state of which he is a national can complain of such a violation before an international tribunal. The state of nationality usually is not obligated to exercise this right and can decide whether to enforce it.

**International organizations** play an increasingly important role in the relationships between nations. An international organization is one that is created by international agreement or which has membership consisting primarily of nations. The United Nations, the most influential among international organizations, was created on June 26, 1945. The declared purposes of the United Nations are to maintain peace and security, to develop friendly relations among nations, to achieve international cooperation in solving international problems, and to be a centre for harmonizing the actions of the nations.

***I. Define the following terms in English on the basis of the text.***

public international law

private international law

customary law

conventional law

jus cogens

treaty

***II. True or false?***

1. Public international law mainly deals with the conflicts of private, natural and legal persons.
2. Conventional law is the only primary source of international law.
3. The Vienna Convention on the Law of Treaties may be referred to as the 'code' of customary law.
4. The contracting states do not need to agree upon the form of an international agreement.
5. Jus cogens rules are generally binding on all the states.
6. All states of the world have already ratified the UN Charter.
7. Only after the ratification of an international agreement may a state act in accordance with the aims and purposes of it.
8. Individuals and international organizations cannot be considered as subjects of international law.
9. The norm pacta sunt servanda means that treaties are binding on its signatories.

### *III. What is the main function of the following UN organs?*

International Court of Justice	Includes representatives of all member states. Annual sessions of the plenary meetings are held from September until December. Special and emergency sessions may also be convened. There are six main committees of it.
Security Council	It is responsible for the economic and social activities of the United Nations. It conducts two regular sessions and an organizational session each year.
General Assembly	It is authorized to examine and discuss reports from the Administering Authority on the political, economic, social and educational advancement of the peoples of Trust Territories
Economic and Social Council	Composed of five permanent (U.S., U.K., Russia, China and France) and ten non-permanent members elected by the General Assembly for two-year terms. Primary responsibility is maintenance of international peace and security.
Trusteeship Council	It services the other organs of the United Nations and administers the programs and policies laid down by them. It is headed by the Secretary-General who is appointed by the General Assembly.
Secretariat	It has 15 independent judges of different nationalities, elected for nine-year terms by the Security Council and the General Assembly.

### *IV. Match the expressions with their definitions.*

The Vienna Convention materializes five fundamental legal principles of international treaty law.

<b>free consent</b>	1) a treaty is binding upon the parties
<b>good faith</b>	2) it is better to seek the maintenance rather than the termination of a treaty
<b>pacta sunt servanda</b>	3) a fundamental change of circumstance(s) jeopardizes the validity of treaties
<b>clausula rebus sic stantibus</b>	4) the parties cannot create either obligations or rights for third States without their consent
<b>favour contractus</b>	5) every State should behave this way, otherwise peace and international treaty might eventually be put in jeopardy

***V. Put the right word into the gaps.***

- | Treaty  | Agreement | Charter | Convention(s) | Protocol |
|---|-----------|---------|---------------|----------|
| 5. the North Atlantic _____   |           |         |               |          |
| 6. the North American Free Trade _____  |           |         |               |          |
| 7. Vienna _____   |           |         |               |          |
| 8. General _____ on Tariffs and Trade   |           |         |               |          |
| 9. _____ of the United Nations of 1945  |           |         |               |          |
| 10. Kyoto _____   |           |         |               |          |
| 11. The Maastricht _____  |           |         |               |          |
| 12. The European _____ on Fundamental Human Rights and Freedoms<br>(Rome 4 November 1950) |           |         |               |          |
| 13. _____ on the Non-Proliferation of Nuclear Weapons (1968)                              |           |         |               |          |
| 14. The UN _____ on Contracts for the International Sale of Goods                         |           |         |               |          |

**Vocabulary**

to	administer –ed;-ed	igazgat
	alien	külföldi
	conventional law	(nkzi) szerződések joga
	customary law	szokásjog
to	derive –d;-d	ered
	General Assembly	Közügyülés
	good faith	jóhiszeműség
to	impose –d;-d	ír elő, keletkeztet, ró vkire
to	jeopardize –d;-d	veszélyeztet
	juridical person	jogi személy
	non-proliferation treaty	atomsorompó egyezmény
to	obey –ed;-ed	követ, teljesít, betart
	peremptory norms	kogens normák
	protocol	jegyzőkönyv
	Trusteeship Council	Gyámsági Tanács

## Lesson IX

### PUBLIC ADMINISTRATION

***I. Make expressions and try to give their Hungarian meaning. How are these connected to the public administration?***

1. local	a) local public services
2. state	b) public administration office
3. deconcentrated	c) supervision
4. law	d) associations
5. regional	e) agency
6. to provide	f) guard
7. legality	g) administration
8. non-profit	h) enforcement
9. customs and excise	i) government
10. emergency response	j) organs

***II. Put the given words into the gaps.***

**municipal      legality supervision      legislation      public foundations      border  
guard      local governments      state administration bodies      state administration  
(x2)**

Public administration functions are performed by two large categories of institutions: the hierarchical 1) \_\_\_\_\_ directed by the government and organised *\*with a topdown approach, on a territorial basis*, and the 2) \_\_\_\_\_ organised on the local level ( 3) \_\_\_\_\_ and territorial), directed by elected bodies. The various categories of local governments are not subordinated to one another.

The two categories of administrative institutions are linked by legislation, financing as well as the 4) \_\_\_\_\_ exercised by the government over local governments. 5) \_\_\_\_\_ perform chiefly regulatory law enforcement functions, while local governments have tasks and powers in providing local public services, but they also have legislative powers. Local government entities also perform 6) \_\_\_\_\_ functions delegated by the central government. Entities responsible for law enforcement constitute a special category, and are subject to different legal regulations than the civil public administration. Such entities include the police, the 7) \_\_\_\_\_, the customs and excise guard, the emergency response agency and the fire service.

In addition to state administration and local government administration bodies, public administration functions – with the exception of 8) \_\_\_\_\_ – may also be performed by non-public-administration organs, such as public bodies, 9) \_\_\_\_\_, non-profit associations as well as private persons or, exceptionally, natural persons as well.

*\* with a topdown approach on a territorial basis – felülről lefelé területi szintre szerveződő*

### ***III. Which organs/bodies/institutions of the public administration are the sentences about?***

- 1. The Government:**
- 2. The Prime Minister:**
- 3. Ministries:**
- 4. Central public administration bodies operating in a non-ministerial format:**
- 5. County and metropolitan government offices**
- 6. Deconcentrated organs:**
- 7. Notaries:**
- 8. Local governments:**

a) This is elected by Parliament, upon the proposal of the President of the Republic, with the majority of the votes of its members. A motion of no confidence can only be submitted against him/her and not the various ministers.

b) The minister heads its organisation, whose structure is defined in the rules of organisation and operation of the ministry.

c) ... are entities of territorial state administration with independent functions and competences, with separate legal entities. They perform mainly functions of regulatory law enforcement, in particular regulatory supervision and control.

d) ... is the central political decision making and executive body.

e) They operate in a non-ministerial format and may include bodies with national competences, central offices and ministerial offices, which perform task of central public administration.

f) ... may issue decrees in their sphere of competence, and order referenda in issues within their scope of authority. Some of their tasks are mandatory, others are voluntary. They are legal entities, establishing their own rules of organization and operation. They own property, manage their own revenues. Its organs include the body of representatives, the committees, the mayor (deputy mayor), the notary and the mayors' office.

g) Its tasks, for example, include the following: direction and co-ordination of the work of ministries and other bodies directly subordinated to them, assuring the elaboration and implementation of social-economic plans, determination of the state system of social and health care and provision for the necessary financial resources, direction of the operation of the Hungarian Army and law enforcement bodies.

h) Ministries and organs with national competence operate one or more of these on the territorial or local level. They may also be set up by the Government within its primary competence, requiring no special legal authorization.

i) Its main functions include, for example, the preparation and implementation of government decision, the preparation of draft legislation and legal regulations, the formulation of sectoral

strategy and planning; supervision and control functions, adoption of decisions in individual cases and public proceedings.

j) The ... of municipalities are responsible for preparing and implementing the decisions of the local government that employs them on the one hand. They also operate as general state administration authorities of the first instance on the other hand unless a legal regulation provides otherwise.

k) ... is headed by the Prime Minister. Ministers and state secretaries are appointed and dismissed by the President of the Republic, upon the proposal of the Prime Minister. In the case of state secretaries, the Prime Minister makes his proposal acting upon the recommendation of the relevant minister. It is formed as the ministers are appointed. Following its formation, its members are sworn in before Parliament.

l) It is responsible for the legal supervision of local governments located within its area of competence.

m) ... chairs the meetings of the Government, announces the decisions of the Government, signs its decrees and resolutions and provides for their implementation, and may issue a government resolution.

n) Its head arranges, for example, for the territorial coordination of the implementation of government decisions affecting more than one sectors, the harmonization of the tasks of public administration modernization and of the customer service regimes of territorial public administration bodies.

o) ... is accountable to Parliament for its operation. The Parliament approves its program and it must regularly report on its work to Parliament.

#### ***IV. Complete the text with the missing parts.***

<b>A</b> hierarchical relations between	<b>D</b> necessary for the fulfillment
<b>B</b> local self-governments	<b>E</b> central government bodies
<b>C</b> distributed into districts	<b>F</b> they provide public services

The general territorial division of Hungary is fixed by the Constitution. It is partitioned into counties (at regional level) and (at local level) cities, villages as communities and the capital, which is 1) \_\_\_\_\_; administratively, local self-governments are constituted in each of these units.

Hungarian public administration consists of two main frameworks: bureaucratic and democratic institutions. The first includes 2) \_\_\_\_\_ and their organs at local and territorial level (de-concentrated institutions) that are subordinate to the state administration. The second type of structure is the system of 3) \_\_\_\_\_ (decentralized institutions) based on principles of autonomy and subsidiarity.

Local self-government system in Hungary exists at two levels: local and regional level. There are no 4)\_\_\_\_\_ the two types of local self-governments, as declared by the Constitution the fundamental rights of all local entities are equal. The difference between the two lies in the administrative tasks delegated to each. Municipalities have broad responsibilities in service provision. They provide local public services to their settlements. Counties have a subsidiary role in that 5)\_\_\_\_\_ which settlements are not capable of performing, as well as that have regional character. Local self-government tasks are differentiated as mandatory and voluntary based. Obligatory functions and responsibilities of local self-governments could be determined by Parliament, simultaneously ensuring the financial means 6)\_\_\_\_\_ of such tasks and decision power. However, the local self-governments can undertake any local public issue not prohibited by law that does not endanger the fulfillment of obligatory functions and local service delivery.

Source: [LGI - Mastering Decentralization And Public Administration Reforms In CEE, Part 2, Chapter 4 \(2002\)](#)

#### ***IV. Complete the sentences with your own ideas.***

1. The main elements of the Hungarian public administration are ...
2. Local governments shall provide ...
3. Administratively, the territory of Hungary is divided ...
4. The tasks of local self-governments may be ...
5. The obligatory functions and responsibilities of local-self governments ...

#### **Vocabulary**

adoption of decisions	döntéshozatal
area of competence	illetékességi terület
body of representatives	képviselőtestület
body/organ with national competence	országos hatáskörű szerv
border guard	határőrség
coordination/harmonisation	összehangolás
customer service regime	ügyfélfogadási rendszer
customs and excise guard	vám- és pénzügyőrség
deconcentrated organs	dekoncentrált szervek
(deputy) mayor	(al)polgármester
elaboration and implementation of plans	a tervek kidolgozása és megvalósítása
emergency response agency	katasztrófavédelem
entity	szerv, szervezet
fire service	tűzoltóság
formulation of sectoral strategy	ágazati stratégia alkotása
function of regulatory law enforcement	hatósági jogalkalmazási feladat
government resolution	kormányhatározat
hierarchical	hierarchikus
independent function and competence	önálló feladat- és hatáskör
individual cases and public proceedings	egyedi és hatósági ügyek
law enforcement	jogalkalmazás



law enforcement (bodies/agencies)	rendvédelmi/rendfenntartó szervek
legal authorisation	törvényi felhatalmazás
(separate) legal entity	(önálló) jogi személy
legality supervision	törvényességi felügyelet
legislation	jogalkotás
local government	önkormányzat
mandatory	kötelező
mayor's office	polgármesteri hivatal
motion of no confidence	bizalmatlansági indítvány
municipal	települési
municipality	települési önkormányzat
natural person	természetes személy
non-profit association	közhasznú társaság
notary	jegyző
(non-)public administration organs	(nem) közigazgatási szervek
power/authority, scope/sphere of authority	hatáskör
preparation of draft legislation	jogszabályok előkészítése
private person	magánszemély
public body	köztestület
public foundation	közalapítvány
county and metropolitan government office	megyei és fővárosi kormányhivatal
regulatory law enforcement function	hatósági jogalkalmazási tevékenység
regulatory supervision and control	hatósági felügyelet és ellenőrzés
rules of organisation and operation	szervezeti és működési szabályzat
state administration bodies	államigazgatási szervek
state system of social and health care	a szociális és egészségügyi ellátás állami rendszere
subordinate to	alárendelt
to arrange/assure/provide	biztosít/ gondoskodik
to be accountable to	felelős vkinek/vminek
to chair a meeting	ülést vezet
to delegate	itt: rábíz
to head	vezet
to issue decrees	rendeletet alkot
to manage one's own revenues	bevételeivel önállóan gazdálkodik
to operate in a non-ministerial format	nem minisztériumi formában működik
to order referendum	népszavazást rendel el
to perform functions/tasks	feladatokat ellát
to provide local public services	közzolgáltatásokat biztosít
to swear, swore, sworn in	felesket, esküt tesz
unless a legal regulation provides otherwise	ha a jogszabály másként nem rendelkezik
voluntary	önkéntes
within its primary competence	elsődleges jogköre alapján

## Lesson X

### REVISION I

#### *I. Make expressions. 14p*

- |                        |                         |
|------------------------|-------------------------|
| 1. to _____ a contract | 8. to levy _____        |
| 2. _____ parties       | 9. _____ property       |
| 3. _____ termination   | 10. _____ of Maastricht |
| 4. to rescind a _____  | 11. _____ countries     |
| 5. to acquire _____    | 12. qualified _____     |
| 6. unlimited _____     | 13. costs of _____      |
| 7. plenary _____       | 14. intellectual _____  |

#### *II. Make the sentences passive! 18p*

1. They may use the object only for residential purposes.
2. The agent bears all expenses.
3. They shall not sublet the apartment.
4. Foreign and domestic natural persons may found business associations.
5. They require at least two members .
6. Member States' Foreign Ministers attend EU Council meetings.

#### *III. Translate the following sentences into Hungarian. 14p*

1. The rent shall be paid monthly in advance on the first day of the month. (3)
2. Changes of the apartment may only be made with the lessor's consent. (3)
3. A natural person may be a member with unlimited liability in only one business association. (3)
4. Directly elected since 1979, the European Parliament is composed of 626 Euro-MPs who sit in political, not national groups. (4)
5. The Edinburgh Summit in December 1992 decided that the official seat of the Parliament would be in Strasbourg, where most plenary sessions are held. (4)

*IV. Make sentences out of the words given. 10p*

1. Hungarian forints/ the parties/ per months/ agree on/ in the amount/a rent/ of
2. the contract costs/ shall/ buyers/ the costs of conveyance/ bear/ title transfer fees
3. the apartment/shall/the lessee/sublet/not
4. in Strasbourg/direct elections/the European Parliament/were held/to /the first
5. Community policy/the European Council/for/decides/lines/broad/policy

*V. What is the definition about? 7p*

7. Business associations without legal personality. \_\_\_\_\_
8. The two parties of this contract are the lessor and lessee. \_\_\_\_\_
9. It is responsible for overseeing all expenditure from the budget of the Union.  
\_\_\_\_\_
10. It consists of 15 judges and 9 Advocates –general and is based in Luxemburg.  
\_\_\_\_\_
11. It is composed of 626 Euro-MPs. \_\_\_\_\_
12. The countries that belong to the EU are called this. \_\_\_\_\_
13. This institution of the EU decides the broad policy lines for Community policy and for matters of foreign and security policy. \_\_\_\_\_

*VI. Add at least two words to the words given! 10 p*

1. to acquire
2. contract
3. partner
4. fee

## REVISION II

### I. Make expressions. 14p

- |                          |                            |
|--------------------------|----------------------------|
| 8. to _____ liabilities  | 8. joint and several _____ |
| 9. _____ parties         | 9. _____ partner           |
| 10. _____ of termination | 10. Vienna _____           |
| 11. to rescind a _____   | 11. _____ Community        |
| 12. to acquire _____     | 12. qualified _____        |
| 13. unlimited _____      | 13. Common _____           |
| 14. subscribed _____     | 14. terms of _____         |

### II. True or false? 11p

7. Owners shall never be entitled to *demand compensation* from persons in an emergency.
8. If the general contract conditions are fair, such clauses may be contested by the injured party.
9. Individuals and international organizations can be considered as subjects of international law.
10. Business associations may be founded by foreign and domestic natural persons only.
11. For the duration of the usufruct, the owner may exercise the right of possession, use, and collection of proceeds only if the *beneficiary* of usufruct does not exercise his rights thereto.
12. It was the Amsterdam Treaty that defined the three stages of the European Monetary Union.
13. Performance means that each party to the contract has fulfilled its obligation.
14. Conventional international law can be understood as the customs of states recognized as law.
15. The European Commission plays a decisive role in the adoption of the budget.
16. Shareholders always bear unlimited liability for the obligations of a company.
17. Arbitration awards are less often appealed against than court judgements.

### III. Translate the following sentences into Hungarian. 23p

1. Ownership of a building may be *claimed* by the owner of the land. (3)
2. Changes of the apartment may only be made with the lessor's consent. (3)
3. The Seller hereby covenants with the Buyer that he will keep indemnified the Buyer against all expenses arising as a result of this sale. (7)

4. The buyer counterclaimed for damages alleging lack of conformity of some goods and over-shipment. (6)

5. A business association shall terminate if it resolves its termination without legal successor. (4)

*IV. Make sentences out of the words given. 10p*

1. HUF/not be/capital/of/than/the amount/the initial/may/less/three million

2. the content/free/are/the contract/the parties/to define/of

3. by/could be/liable/shall/defects/be/sellers/for/not/buyers/that/recognized

4. copies of/only the parties/are/hearings/public/arbitration/not/and/receive/the awards

5. the apartment/shall/the lessee/sublet/not

*V. What is the definition about? 7p*

1. It offers the parties a neutral forum for their legal disputes. In most cases, the court's decisions are private here. The parties have the right to designate the judges.  
\_\_\_\_\_

2.. The two parties of this contract are the lessor and lessee. \_\_\_\_\_

3. Unforeseen, unpredicted events that may do some harm. Because of them the parties may not satisfy their contractual obligations. \_\_\_\_\_

4. It may include things like the company's name and registered office, scope of activities, information about the members of the business association etc. \_\_\_\_\_

5. A fundamental change of circumstances jeopardizes the validity of treaties.  
\_\_\_\_\_

6. The ten countries that are to join the EU are called this. \_\_\_\_\_

7. This institution of the EU decides the broad policy lines for Community policy and for matters of foreign and security policy. \_\_\_\_\_