

SUMMA
-------

## MULTILATERAL BANK AND EU INSTITUTION: THE EUROPEAN INVESTMENT BANK

László BARANYAY – Zsolt HALÁSZ

Even if multilateral banks function less conspicuously, they play an important role in providing financial support to different investment projects in Hungary, and also within the EU and also almost all around the world.

The functions and operation of these institutions are less known than that of commercial banks, even if many of them – and especially the European Investment Bank – have provided a really remarkable volume of financial support for the Hungarian economy.

In this paper, we examine the biggest of these multilateral financial institutions, the European Investment Bank, the regulatory background of its structure, functioning and is presented also a number of subjective particularities determining and/or influencing the operation of this institution.

This paper examines the complexity of EIB's operation, especially the impacts of the external circumstances like EU enlargement in the past, and the current Brexit issue. Beyond these specific questions we have identified more general issues, like the governance of the bank, the applicable specific prudential requirements and the externally non-supervised nature of the multilateral financial institutions.

\* \* \*

## GIG ECONOMY ON THE RISE: MEANING AND FEATURES OF PLATFORM WORK

Tamás GYULAVÁRI

Work relations in the so called gig economy, or in other words in the sharing economy is the most popular topic of recent labour law research. There are many forms of work through digital platforms. Since this is a very new phenomenon, therefore, the article tries to contribute to the elaboration of the Hungarian terminology. The article is focused on the meaning and the two main forms of platform work, such as crowdsourcing and on demand work via apps. These are new forms of work, however, not without precedents, thus, the former similar work relations will also be outlined.

The paper will also try to give statistics on the size of the gig economy and the main features of work through the internet. Summarizingly, I will give an overview on work forms in the gig economy.

\* \* \*

## THE BEAST THAT REIGN OVER US: NATURE AND NATURAL LAW IN THE EARLY MODERN THEORIES OF SOCIAL CONTRACT

István KEVEVÁRI

The paper analyzes Thomas Hobbes' thoughts on natural law. The very throughoutly examined topic is reevaluated through the lenses of Jacques Derrida's lectures called *The Beast & the Sovereign*. His first remark is a very strange parallel on sovereignty: in our world only the animals and the state cannot be controlled by laws. In the footsteps of the French philosopher the paper aspires to show that the modern view of nature created an intellectual point of view, which held the nature as a mechanism (even the animals cannot escape from this). The nature is held as blind and obedient object of human will. The social contract theory of Hobbes is dominated by the competing emotions of fear and desire (freedom): the more one fears, the less freedom it has. It has a lasting effect on the political thought: in Derrida's theory the sovereign is a rational "beast", no man (human) can be animal (free to everything), his freedom (desire) is given to an artificial being, what can be free like no one else and do whatever it wants.

\* \* \*

## THE PRINCIPLE OF "EQUALITY OF ARMS" AND THE CIVIL PROCEDURE

Ágnes VÁRADI

The growing number of legal relationships, in which there is a significant difference in the financial possibilities or legal knowledge of the parties, has become a general challenge of civil law legislation in recent years. While the substantive law offers a wide range of instruments to compensate this inequality (information obligations, liability measures, exclusion of contractual clauses), the procedural possibilities get less attention. If, however, the claims of the weaker party cannot be enforced efficiently, the substantial law measures cannot reach their goals either. That is why the current paper aims to introduce the procedural principle of equality of arms in an international context, define its role among the elements of the right to fair trial and draw up possible models for its effective implementation in the civil procedure. The analysis is based on

the case-law of the European Court of Human Rights, European Court of Justice and the Hungarian Constitutional Court as well as on the relevant secondary literature.

\* \* \*

## SNAPSHOT OF LABOUR RIGHTS IN EU LAW

### *Stagnation, Change or Development?*

Márton Leó ZACCARIA

This paper examines some significant and relevant questions of labour law and social law in the law of the European Union (EU). We can observe an intense and serious process regarding the modernisation of social rights in EU law, or at least, some major changes. Although, these new directions can lead the social and employment policy of the EU to new places, it is known that a real turning point seems almost impossible in EU law because of the power of Member States in such questions. The analysis is based on three key areas; namely, on the recent case-law of the Court of Justice of the European Union regarding the fundamental labour and social rights laid down in the Charter of Fundamental Rights of the European Union (CFREU), the European Pillar of Social Rights (EPSR) as the framework for new and modern initiatives in the field of developing fundamental labour and social rights and the already known or planned reforms in EU social and employment policy such as the new regulation of posting of workers. The paper's approach is based partly on theoretical, regulational and jurisprudential methods since the different viewpoints can lead us to possible new solutions or ways of thinking. In my opinion, it is not easy to talk about the fundamental rights of workers in EU law; however, some social factors and the changes of the labour market make it an up-to-date topic for us to cover.

\* \* \*

## THE PROTECTION OF FAMILY IN THE VIRTUAL SPACE

Katinka BOJNÁR

In our digitalised world, the legal protection of the family and its members cannot be narrowed to the physical reality. The legal shield should cover the virtual space as well. The most vulnerable members of the family demanding this security are the children. Due to their fidelity and limited sense of danger, they are much more vulnerable against the negative effects of the Internet.

What are the dangers that they have to face and how to prepare them to be conscious user of the modern IT technologies and become confident digital citizens? Whose

responsibility is it to protect them against the danger of the Internet? In this paper, I give answers to these acute questions.

Children's privacy protection needs to be our common goal what we can reach via strong regulation, efficient enforcement, and raising awareness in schools. Last but definitely not least the supportive family background is essential, thus the legal regime should create an appropriate regulative environment where the informal safeguards of the families can function effectively.

\* \* \*

## THE LEGAL INTEREST OF DEFAMATION AND LIBEL

Dániel GYULAY

The protected legal interests of defamation and libel are defined coherent by neither the legal commentators nor the case law. The protected legal interest of these two crimes is usually defined by the honor, however in case of defamation it is often defined as the social honor, in case of libel as the dignity. In my opinion these interpretations are incompatible with the definition of legal interest, the involvement of legal entities and the restriction on fundamental rights which are the base of facts. As a consequence the legal interest of defamation is the social honor and in contrast, the legal interest of libel which is the subsidiary of defamation is the honor, since acts that violate the subjective sense of honor but do not violate fundamental rights do not receive criminal protection.

\* \* \*

## THE CONTROL OF STANDARD CONTRACT FORMS IN THE PRACTICE OF ECJ

Krisztina JUHÁSZ

The last time period we have more and more judgements by the ECJ which examined the substantive law in the standard contract forms by preliminary ruling references. These judgements are connected to the Directive 2008/48/ec of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC and the Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts. These decisions have different subjects: the requirement of written form, the consequences of the invalidity of the contract term / neglecting of the contract term or dispositive rule/, or whole contract, the guarantor's position as a consumer, in the case of the declaratory of unfairness about the "ex tunc or ex nunc" effect, the examination of "main subject matter" of the contract. The article introduces these cases with factually background to give an opportunity for

direct referencing to these judgements. You can find Hungarian judgements which are compared with ECJ's practice by earlier mentioned cases.

