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Dr. habil. Maciej Mikuła, prof. JU
Faculty of Law and Administration
Jagiellonian University in Kraków



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Secretary of the Editorial Board of journal
„Cracow Studies of Constitutional and Legal History”

To Whom it may concern

Hereby on behalf of the Editorial Board of “Cracow Studies of Constitutional and Legal History” I confirm that the texts:

Article: *The Practice of Supervisory Rights in Hungarian Cartel Law: Special Attention to the Duties of the Minister and the Legal Director*

Report: *Cartels in Hungary: The Summary of a Bolyai Research*

written by Dr. habil. Norbert Varga (University of Szeged) were accepted by the Editorial Board.

The report is planned to be published in the issue 4 (2021). The article will be published after positive reviews prepared by two independent reviewers (in 2021 or in 2022).

With kind regards,

Maciej Mikuła

Maciej Mikuła
Elektronicznie
podpisany przez
Maciej Mikuła
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Wydział Prawa

i Administracji

Redakcja Czasopisma
„Krakowskie Studia z
Historii Państwa
i Prawa”

ul. Gołębia 9

PL 31-007 Kraków

tel. 48(12) 663 12 01

e-mail:

krakowskie.studia@uj.edu.pl

Cartels in Hungary: The Summary of a Bolyai Research

The Hungarian research of cartel history was conducted via the analysis of archival sources by associate professor Norbert Varga of the University of Szeged (Hungary), Faculty of Law and Legal Sciences, Department of Hungarian Legal History, with the research support of the Hungarian Academy of Sciences. Receiving the János Bolyai Research Scholarship (BO/00198/18/9) in 2019 meant the continuation of the research of cartel law. The chosen research topic was “The Regulation and Practice of Cartel Law in the 20th Century, with an International Outlook”. The dissemination of the findings of the Bolyai research and the promotion of the science was supported via the funding of the Ministry of Innovation and Technology’s New National Excellence Program, codename ÚNKP-20-5, funded by the National Research, Development and Innovation Fund.

During the research, the associate professor focused on the historical examination of cartel law in the first half of the 20th Century, especially the codification and practice of the 20th Act of 1931. The economic and social changes following World War I had an effect on legal development, as well, and because of this, state intervention and participation became more and more prevalent in private law, as well, in order to keep fair trade and the interests of consumers in mind. This was especially valid due to the involvement of cartels, and it basically manifested in the creation and regulation of cartel supervisory agencies. This three-year long research gave him ample time to collect and analyse primary and secondary sources. Respecting the Szeged School of Legal History, this was the primary aim during his research. Winning the Bolyai Scholarship not only meant that the researches can continue, but also the synthesization of the former research results, and the procession of the rare missing components, not to mention the further elaboration of archival sources.

The validation of the following results took place during the first year of the research. The economic and social shifts of the first half of the 20th Century had an effect on the regulation of private law relations, the appearance of state intervention in order to protect consumer interests. This is why it is necessary to mention the following regulation in connection to the examination of the history of cartel law codification.

The legal arrangement of the prices of public needs and the assurance of fair price policies appeared in the regulation of sharking misuses (i. e. 15th Act of 1920.), which can be viewed as the earliest national antecedent of cartel law. In the professor’s study “Examples of Sharking Misuses in the Practice of the Court of Justice of Szeged”, he elaborated upon the practices of the Royal Court of Justice of Szeged’s usury court (Hungarian National Archives, Csongrád-Csanád County Archives, the papers of the Royal Court of Justice of Szeged, 1942/VII. 1. B.III.).

In the study “The Effect of World War I on the Codification of Cartel Law”, he examined the history of the codification of cartel law, especially by analysing the papers of the presidential council and the minutes of the parliament. One of the most prevalent social conversations before the legislation was the series of lectures of the Legal Economic Institution of the Hungarian Association of Lawyers in May, 1929, where, among others, *Ödön Kuncz* expressed his opinion on the topic. The economic political background and the regulation of state intervention on this matter also arose during the parliamentary debate of the law. The ministerial justification of the law provides a comprehensive picture on the national and international preludes, and the regulation history of cartels. One should not forget the legal development efforts of courts, for in this case, it was especially important before the codification of the law. Due to the lack of legislative regulation, only the general principles of private law, more specifically, commercial law provided some support to the formation of judicial decisions.

He examined the operation of one of the most important supervisory organisation, the Cartel Court through leading cases. The development of cartel law benefited greatly from the legal unification actions of the court. He summarised the theoretical and practical backgrounds of the regulations of lawsuits of public interests in his study “The Lawsuit of Public Interest in Cartel Law”. The principal mandates of the regulation of cartel law regulated state intervention in private law affairs. In his study “Regulation and Practice of Hungarian Cartel law in the 20th Century”, he analysed the most important formal legal rules of cartel law, especially the practices of the cartel supervisory agency by analysing archival sources (for example, Hungarian National Archives, FM papers k-187, Hungarian National Archives Bács-Kiskun County Archives, registry court papers at the Budapest City Archives). The rules of the lawsuit of public interest were introduced by the 20th Act of 1931, and its theoretical background and legal practices were elaborated upon in the study entitled “The Lawsuit of Public Interest in Cartel Law: Case Law of the Cartel Court in Hungary”.

During the second year of the scholarship the professor published a paper in the Legal History Survey entitled “The Initiation of Legal Proceedings in Cartel Cases After the 20th Act of 1931 Came Into Effect”, where he presented the initiation of legal proceedings, with great focus on the role of the Legal Director of the Hungarian Treasury, the contents of documents of proof based on archival sources. The continued dissemination of the topic meant the description of the procedures of orderly courts (“The Procedures of Orderly Courts in Cartel Cases Between the World Wars”) by using the remaining submissions which, all in all, contain the verdict of courts of the first and second degree. According to his opinion, in order to examine financial and not to mention procedural law regulations, the information contained in the dispositional and justification parts will help tremendously. Within the framework of the aforementioned study, he summarized his research results according to the cartel cases that reached the courts and the High Court of Justice. Via specific cases, one shall gain insight into the lawsuits due to the omission of a presentation and the everyday lives of companies after cartel law came into effect. In the pages of his study entitled “The Antecedents of the Regulation of the Economic Competition Agreement in the First Part of the 20th Century in Hungary”, he described the preambles of the codification of the Hungarian cartel law in English. During the research, he paid special attention to the European roots of the regulation of Hungarian cartel law, for example, with a description of the Austrian and the German cartel law (“The European Roots of Hungarian Regulation of the Cartels Special Attention to the Foundation of Cartel Supervisory Public Authorities”), in connection to the national institutional history of cartel supervisory agencies. During the examination of cartel supervisory agencies, the stipulations of courts of arbitration on cartel agreements and the nullification of their verdicts were also analysed, and his views on this subject were described in greater detail in the study “Provisions on Arbitration Proceedings Set Down in Cartel Agreements Based on the First Hungarian Cartel Act”.

The professor announced my research result on national and international conferences, and also in short articles on his research: “The Beginning of a Bolyai-research: The Historical Examination of Cartel Law”; “Science Examination and Report of the Hungarian Cartel Law in the Framework of Bolyai Scholarship”. During the international conference A 16th Annual International Conference on Law (Athens, 15th and 16th of July, 2019.), he organised and conducted a section on legal history entitled “State and Law in the Interwar Period” on topics in connection to the research. He also collaborated with Israeli professor *D. A. Frenkel* in the editorial process of the essay collection “New Studies in History and Law”, which contains the presentations of the conference, and was published in Athens the same year.

He presented the research results to his students within the framework of the optional course The History of Cartel Law, to which he also developed digital study material. He gives regular presentations in connection to the history of cartel law to his esteemed audience on

Researchers' Night. In connection to the research topic, he is also taking part in the mentoring of a PhD student as an assistant consultant on the topic of unfair competition.

In the third year of the research, he gave his habilitation lecture on the topic of cartel supervision. "The Introduction of Cartel Supervision in Hungary. The Codification and Practice of the 20th Act of 1931." was published as the 83rd volume of the series entitled The Library of the Elemér Pólay Foundation in 2020. During the final year of the research, the analysis of the sources was finalized, and the results of the research were announced in the forms of essays and conference presentations. The theoretical and practical examination of the regulations of cartel supervisory agencies allowed them to get to know not only the development of cartel law in our nation, which indirectly allowed them to utilise the research results in the 21st Century, the historically founded development of the regulation of cartels. The aforementioned monograph contains the summarization of the present-day research results, but does not mean that the research on the history of cartel law is finished, for he also has plans to further analyse formal legal regulations, but also matters of substantive law via the examination of fresher economic history sources and company documents.