ABSTRACT. The present article is concerned with the so-called process of harmonisation to the Community Law, which is taking place in the central eastern European countries, candidates to join the European Union. Specifically, this article deals with the building of a mature Hungarian competition policy, in accordance with the acquis communautaire, as part of a larger long-term programme of pro-market decisions concerning privatisation and market openness. On the one hand, the so-called iterated multi-level interaction in different arenas between Hungarian institutions and the Union, structured on path-dependent dynamics, influences the mechanisms and the timing of harmonisation to the European Union. On the other hand, the gradual empowerment of an independent national Office of Economic Competition and the progress made to the adaptation of policy structures and policy behaviours to the European Union’s canons and laws are taken as the main factors explaining the development of a clear, predictable, and transparent process of competition law enforcement. By following a multidisciplinary approach, this article combines an analysis of the meaning of both the Hungarian Competition Act and the provisions on competition contained in the Europe Agreement, alongside a study of their enforcement experience, revealing a gap between the high consistency of the Hungarian discipline on competition protection with European Union law and the real enforcement capacity.

KEY WORDS: competition law, competition policy, enforcement capacity, Europe Agreement, harmonisation to the European Union, Office of Economic Competition

INTRODUCTION

On Europeanisation and Central Eastern European Policy Change

In the last two decades the European Union has gradually rebuilt the architecture of governance in western Europe, by defining new policy...
mechanisms and public policies to be enforced by all its members. This regional integration, characterised by the transposition and application of and compliance with the so-called *acquis communautaire*, sets a region-wide market without a corresponding regional state. There is a widespread consensus on the point that the Union is neither a simple international organisation, nor a state. For example, Caporaso suggests considering the emerging EU political system, combining and overlapping different jurisdictions, as an “emerging state”, differently composed than the classic Westphalian State. Nevertheless, the spread of co-operation among international and domestic institutions in a supranational arena, driven by the European Commission’s activity, has provided the stimulus to search for new accounts and models able to encompass these dynamics. The Nation-State has been gradually deprived of its authoritative status, and emphasis has been put on new processes of governing, while the shift from “government” to “governance” is gradually taking place in the European political arena. Accordingly, the literature has operated a epistemological shift, adding the classic three-level government – local, regional, and national – another dimension coming from the spreading of political organisation within countries as well as between countries: the system of bargaining and consultation and autonomous adjustment among different policy levels. From this point of view:

Governance is about the structured ways and means in which the divergent preferences of interdependent actors are translated into policy choices to allocate values, so that the plurality of interests is transformed into co-ordinated action and the compliance of actors is achieved.

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8 *Supra* n. 6, Kohler Koch, p. 14.