

ABSTRACTS

Dodo Shengelia

Die Angleichung des georgischen Urheberrechts an EU-Recht – Software- und Umgehungsschutz

The Approximation of Georgian Copyright Law to EU Law – Software Protection and Anti-Circumvention

The Georgian legislator set itself a target to establish the standards in the legal protection of computer programs that would be compatible with the European legislation. The Georgian law has been accordingly amended several times in recent years in order to achieve more complete and advanced level of approximation. Despite the extensive reception of the European directives into the national legislation, there are some systematic inconsistencies between the two legal systems that may lead to the significant issues in practice. The purpose of the present thesis is to present the legal protection of computer programs in Georgia and to analyse the current level of approximation. The thesis illustrates imperfectness as well as some legislative loopholes of the Georgian law that should be overcome either in the court's practice or through legislative revision. In general there is a lack of the thought-out copyright policy that would address the Georgian reality or serve as a basic framework for the whole process in order to avoid the gross discrepancies.

Volodymyr Kochyn

European Economic Interest Grouping (EEIG): Implementation in Ukraine

The process of adaptation by Ukraine is determined by various regulatory acts, in particular by the National Program of Adaptation of Ukraine to the European Union, approved by the Law of Ukraine on March 18, 2004, which provides that the adaptation of legislation is a process bringing the laws of Ukraine and other legal acts in line with the *acquis communautaire*. This article discusses the process of adaptation of EU legislation in Ukraine, taking into consideration the specific requirements and difficulties associated with the implementation of the European Economic Interest Grouping (EEIG) – a form of joint economic activities based on a contract, which is expressed through a legal entity, a platform for economic activity. Such an organization provides an opportunity to address social, cultural, environmental, educational and other problems in the European Union.

Tímea Drinóczy

Special legal orders: challenges and solutions

Emerging interest can be seen recently regarding crisis situations in Europe, which is caused by both mass migration, e.g. in Hungary and the EU in general, and terrorist attacks and threats, e.g. in France and Belgium. Each state and the EU itself tried to change laws, including even constitutions, to better deal with challenges, adapt to the new situations, uphold legal and public order, and promote peace and safety in its territory. The mass migration we are currently witnessing and terrorist threats – despite the rhetoric some populist political approaches such as the Hungarian – cannot be considered as the same phenomenon, and presumably cannot trigger the same constitutional and legislative actions and responses. It is without doubt that in a constitutional democracy extreme measures need the highest legitimacy possible: the constitution has to sanction them. In the light of the recently adopted new Hungarian – presumably unconstitutional – legal measures on mass migration and the sixth constitutional amendment on terror emergency, it seems to be reasonable to review the recent scholarships on emergency situations and confront it with the constitutional models CEE states, including Hungary. As a result of a brief review of new measures, constitutional backgrounds and their assessment, better understanding can be expected regarding special legal orders and the challenges constitutional law of European states may face. Against this background, it can also be assessed, from both constitutional theory and constitutional law perspective, whether CEE constitutions may be considered as models in a certain context, and whether the Hungarian solution in general (on special legal order) and in particular (regarding the new measures introduced in 2015 and 2016) may be considered as an example to be followed.

Sergij Rabinovych, Oleg Pankevych

Der Gleichheitssatz in der Ukraine

The Principle of Equality in Ukraine

The jurisdiction of the Ukrainian Constitutional Court is characterized by an insufficient methodology in the review of cases of (non-)discrimination. The major reason for this fact lies in the limited theoretical reflection on problems associated with the curtailment of human and civil rights. Discussing a wide array of decisions by the Constitutional Court of Ukraine, the article illustrates the basic principles of constitutional judicial practice on matters regarding equality in Ukraine, drawing on formal aspects of equality, as well as the social dimension of legal differences. Ukrainian judicial practice is further discussed in the light of social equity and equal opportunities.

Michael Denga

Entwicklungen des „Betrugs im Bereich unternehmerischer Tätigkeit“ in Russland

Corporate Fraud under the Russian Criminal Code – Current Regulation

The author discusses the latest regulation of corporate fraud under the Russian criminal code (article 159 para. 4). The article first became effective in 2012 and was subsequently held unconstitutional by the Russian Constitutional Court in 2014. Under the new regulation of 2016 a special criminal regulation for corporations was created. The legislator thus recognizes the fact that there is special knowledge amongst entrepreneurs. This expert criminal law is seen critical in Germany, but has the advantage of being able to meet market realities, as entrepreneurs are regularly advised earlier and more intensively than consumers.

László Fodor

Kommunales Umweltrecht in Ungarn

Local Environmental Law in Hungary

The article gives an overview on Hungarian environmental law on the municipal level. Since the protection of the environment does not play an important role for the current Hungarian government on the central level it is today up to the local governments to adopt regulations in the field of environmental protection. The author discusses the fundamental norms for local self-government and environmental protection in the new Hungarian constitution, and then analyses current problems of local environmental law in the field of waste legislation, climate and water protection.