

The ECJ as the guardian of the Hungarian Constitution: Case C-286/12 Commission v Hungary

Many feared that by adopting the new Hungarian fundamental law a “light” version of constitutionalism will come into effect, a new constitutional system where classical understandings of individual liberty and separation powers are not valid anymore. Many areas spring to one’s mind to demonstrate these concerns: data protection, media legislation or the very case to be dealing with in the following lines, the early retirement of judges. Interestingly, both the ECJ and the Hungarian Constitutional Court ruled on this issue, and as the case presents an interesting co-operation or co-dependence of Member State and European constitutional order both decisions will be portrayed.