



EUROPEAN UNION AGENCY
FOR FUNDAMENTAL RIGHTS



Living in another Member State: barriers to EU citizens' full enjoyment of their rights Hungary 2017

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1. Table 1 – Case law

<p>1. Subject matter concerned</p>	<p><input type="checkbox"/> 1) non-discrimination on grounds of nationality</p> <p><input checked="" type="checkbox"/> 2) freedom of movement and residence - Articles 7 and 24 of Directive 2004/38/EC</p> <p><input type="checkbox"/> 3) voting rights</p> <p><input type="checkbox"/> 4) diplomatic protection</p> <p><input type="checkbox"/> 5) the right to petition</p>
<p>Decision date</p>	<p>4 July 2012</p>
<p>Deciding body (in original language)</p>	<p>Alkotmánybíróság</p>
<p>Deciding body (in English)</p>	<p>Constitutional Court</p>
<p>Case number (also European Case Law Identifier (ECLI) where applicable)</p>	<p>32/2012. (VII.4.) AB.</p>

Parties	The petitioner in this case was the Commissioner for Fundamental Rights (<i>Alapvető Jogok Biztosa</i>). As a Constitutional review process, there was no defendant involved.
Web link to the decision (if available)	http://public.mkab.hu/dev/dontesek.nsf/0/780CA328B83B304BC1257ADA00524DBC?OpenDocument
Legal basis in national law of the rights under dispute	Article XI(2) of the Fundamental Law of Hungary: ¹ “Hungary shall implement the right to formal and non-formal education through the dissemination of, and by providing general access to, community culture, by providing free and compulsory primary schooling, free and universally accessible secondary education, and higher education made available to all on the basis of their ability, as well as by providing financial support as laid down in an act of Parliament to those receiving education.”
Key facts of the case (max. 500 chars)	Governmental Decree No. 2/2012 on the rules of study contracts made with students studying on a full or partial stipend ² imposed a refund obligation on all students irrespective of their nationality. All of those in receipt of full or partial financial support (stipend) from the Hungarian Government, thus without an obligation to pay (full) tuition, are required to refund the stipend in cases where, after graduation, they do not remain in Hungary to work for a period of time equal to the duration of their state supported study.
Main reasoning / argumentation	The Commissioner for Fundamental Rights initiated a Constitutional review process to challenge the Decree, claiming that it violated Article XI(2) of the Fundamental Law of Hungary and Article 15 of the Charter of Fundamental Rights. The Commissioner claimed that the Decree restricted the free movement of citizens in the

¹ Hungary, [Fundamental Law of Hungary](#) (*Magyarország Alaptörvénye*), 25 April 2011, Article XI(2).

² Hungary, [Governmental Decree No. 2/2012 on the rules of the student contracts made with students studying on a full or partial stipend](#) (2/2012. (I. 20.) Korm. rendelet a magyar állami ösztöndíjas és magyar állami részösztöndíjas hallgatókkal kötendő hallgatói szerződésről), 20 January 2012, Articles 18-21.

(max. 500 chars)	EU, their freedom to choose an occupation and their right to engage in work, by imposing a mandatory period during which new graduates were obligated to find a job in Hungary.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The petitioner argued that while Hungarian and other EU citizens might have enjoyed the benefits of Government support for the full or partial duration of their studies in a Hungarian higher education institution, the Decree restricted the fundamental rights and basic freedoms of EU citizens by imposing a pay-back obligation – practically a sanction – in cases where they left Hungary after graduation to work in another EU Member State (most commonly their home country). The Government may have the right to impose conditions on the beneficiaries for the duration of their supported studies but these obligations cannot restrict the free movement of citizens, nor can they operate as sanctions on those returning to their home countries.
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The Constitutional Court found that the Decree violated the Fundamental Law of Hungary and other international obligations of the country (e.g. Charter of Fundamental Rights of the European Union) by restricting the free movement granted to all EU citizens, the freedom to choose an occupation and the right to engage in work. While the restrictions intended to target Hungarian citizens, the Constitutional Court found that they applied similarly to all EU citizens, thereby forcing them to stay in Hungary rather than return to their home countries or seek work in other EU Member States.</p> <p>Later, on 25 March 2013, Article 7 of the Fourth Amendment of the Fundamental Law³ established a constitutional basis for the restriction of students’ right to move. It supplemented Article XI of the Fundamental Law (on the right to education) with the following (3) paragraph: “An act may provide that financial support of higher education studies shall be subject to participation for a definite period in employment and/or to engaging in a definite period of entrepreneurial activity, as regulated by Hungarian law”.</p>
Key quotations in original	Paragraph III.2. of the decision:

³ Hungary, [Fourth Amendment of the Fundamental Law of Hungary](#) (*Magyarország Alaptörvényének negyedik módosítása*), 25 March 2013, Article 7.

language and translated into English, with reference details (max. 500 chars)	<p><i>"Az az egyetemi hallgató, aki felsőfokú tanulmányai befejezését követően nem Magyarországon, hanem például egy másik uniós tagállamban vállal munkát, a foglalkozás szabad megválasztásához való jogát gyakorolja."</i></p> <p>Translation:</p> <p>"A university student who, after graduation, engages in work not in Hungary but, for example, in another EU Member State, exercises his/her basic freedom to choose an occupation."</p>
Has the deciding body referred to the Charter of Fundamental Rights? If yes, to which specific article.	<p>Yes, Article 15 of the Charter of Fundamental Rights of the European Union.</p>

2. Subject matter concerned	<ul style="list-style-type: none"> <input type="checkbox"/> 1) non-discrimination on grounds of nationality <input type="checkbox"/> 2) freedom of movement and residence <ul style="list-style-type: none"> - linked to which article of Directive 2004/38 <input checked="" type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
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Decision date	7 January 2013
Deciding body (in original language)	Alkotmánybíróság
Deciding body (in English)	Constitutional Court
Case number (also European Case Law Identifier (ECLI) where applicable)	1/2013. (I.7.) AB.
Parties	The petitioner was the President of Hungary. As a Constitutional review process, there was no defendant.
Web link to the decision (if available)	http://public.mkab.hu/dev/dontesek.nsf/0/9C05BC19C310A316C1257ADA0052476B?OpenDocument
Legal basis in national law of the rights under dispute	Article XXIII of the Fundamental Law of Hungary: ⁴ “(1) All adult Hungarian citizens shall have the right to vote and to stand as candidates in parliamentary elections, on local ballots for the election of council members and mayors, and in elections to the European Parliament.

⁴ Hungary, [Fundamental Law of Hungary](#) (*Magyarország Alaptörvénye*), 25 April 2011, Article XXIII.

(2) All adult citizens of other Member States of the European Union who reside in Hungary shall have the right to vote and to stand as candidates on local ballots for the election of council members and mayors and in elections to the European Parliament.

(3) All adult persons holding refugee, immigrant or permanent resident status in Hungary shall have the right to vote on local ballots for the election of council members and mayors.

(4) By an implementing act, voters may be required to reside in Hungary in order to exercise or fully exercise their right to vote, or they may also be required to meet additional criteria to stand for election.

(5) For the election of council members and mayors, voters shall cast their votes on ballots at the place where their residence or registered place of abode is located. Voters shall be able to exercise their right to vote at the place where their residence or registered place of abode is located.

(6) Those for whom the court has deprived them of their right to vote, due to the commission of a criminal offence or owing to their mental state, shall not have the right to vote. Citizens of other Member States of the European Union who reside in Hungary shall not have the right to be elected if they have been deprived of such right in the Member State of their citizenship by the laws of that Member State, or by a judicial or other official decision.

(7) All those entitled to vote in parliamentary elections shall have the right to vote in national referenda. All those entitled to vote in local elections for the election of council members and mayors shall have the right to vote in local referenda.

(8) All Hungarian citizens shall have the right to hold public office according to their aptitude, education and professional competence. Public offices that may not be held by members or officials of political parties shall be specified in an act of Parliament."

Key facts of the case (max. 500 chars)	<p>On 26 November 2012, the Hungarian Parliament adopted a new law on election procedures, based on Draft Legislation No. T/8405.⁵ Article 92 of the new bill did not offer the possibility of registration in person to those living in Hungary without a permanent address. These people – including many EU citizens – were required to register to exercise their voting rights in municipal elections in Hungary by sending a request by regular mail. The President did not sign the new bill but, rather, forwarded it to the Constitutional Court for preliminary review.</p>
Main reasoning / argumentation (max. 500 chars)	<p>The President argued that Article 92 of the new bill would result in unnecessary and unconstitutional discrimination against non-Hungarian – mainly EU – citizens who live in Hungary without a permanent address there. The bill would impose an extra burden on these people in exercising their voting rights in municipal elections by not permitting registration in person and, instead, imposing a more complicated means of registration.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>Citizens are granted voting rights based on having either a permanent address in Hungary or a place of residence in Hungary. Article XV(2) of the Fundamental Law of Hungary imposes an obligation on the state to grant fundamental rights to all people in a non-discriminatory manner. Any discrimination in the methods through which a person requests entry in the voter registry therefore violates the non-discrimination principle of the Fundamental Law of Hungary.</p>
Results (e.g. sanctions) and key consequences or implications of the case	<p>The Constitutional Court found Article 92 of the new bill unconstitutional and annulled it before its entry into force. The court emphasised that any further restriction on voting rights could only occur through an amendment to the Fundamental Law of Hungary; a parliamentary act alone cannot restrict the exercise of voting rights by establishing additional formal registration requirements for those living in Hungary but without a permanent address there. As such people can clarify their places of residence in Hungary through a personal</p>

⁵ Hungary, [Draft Legislation No. T/8405 on election procedures](#) (*T/8405. sz. törvényjavaslat a választási eljárásról*), 26 November 2012, Article 92.

(max. 500 chars)	meeting, the requirement to request registration in written and mailed form is unnecessary and unconstitutional discrimination against non-Hungarian nationals.
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>Paragraph III.90 of the decision</p> <p><i>“Az Alkotmánybíróság a jelen esetben megállapította, hogy a Magyarországon élő, lakcímmel nem rendelkező választópolgárok esetében a személyes regisztráció lehetőségének törvényi kizárása a magyarországi lakcímmel rendelkező választópolgárokhoz képest indokolatlan.”</i></p> <p>Translation:</p> <p>“The Constitutional Court, in the given case, stated that preventing those living in Hungary without a permanent address in Hungary from the possibility of requesting registration in person is discrimination when compared to those with a permanent address in the country, and it cannot be justified.”</p>
Has the deciding body referred to the Charter of Fundamental Rights? If yes, to which specific article.	No.

3. Subject matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input type="checkbox"/> 2) freedom of movement and residence - linked to which article of Directive 2004/38
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	<input checked="" type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	14 February 2014
Deciding body (in original language)	Győri Ítéltábla
Deciding body (in English)	Regional Court of Appeals in Győr
Case number (also European Case Law Identifier (ECLI) where applicable)	Bf.107/2012/51.
Parties	The defendant in the criminal procedure was a German national accused of being an accomplice in a homicide. The prosecutor represented the Government.
Web link to the decision (if available)	http://ukp.birosag.hu/portal-frontend/stream/birosagKod/2204/hatarozatAzonosito/Bf.107_2012_51//

Legal basis in national law of the rights under dispute	<p>Article 4(b) of Act CXIII of 2003 on the election of members of the European Parliament:⁶</p> <p>“In Hungary, voting rights related to the election of the members of the European Parliament is granted to: [...]</p> <p>b) all electors of other Member States of the European Union, if he/she makes a statement that he/she wants to exercise voting rights in Hungary, and verifies that he/she has a place of residence in Hungary.”</p>
Key facts of the case (max. 500 chars)	<p>The German defendant was accused, together with five Hungarian nationals, of being an accomplice in a homicide in the territory of Slovakia. The Slovakian authorities handed the criminal procedure to the Hungarian authorities, given that the majority of the accused were Hungarian nationals. The First Instance Court found the German defendant guilty, sentencing him to imprisonment and disqualifying him from participation in public affairs. The defendant appealed against the decision, claiming that as a German national, the Hungarian court had no such global right of disqualification.</p>
Main reasoning / argumentation (max. 500 chars)	<p>The defendant challenged the decision of the First Instance Court on the grounds that the penalty of disqualifying somebody from participation in public affairs effectively removes the person’s voting rights in all types of elections. As a German national, he claimed that the disqualification should have been limited to election of the members of the European Parliament, and that the Hungarian authorities were not entitled to apply the sanction of disqualification with general effect. The defendant argued that the court should have specified only those election types that applied to citizens of other EU Member States, rather than imposing the sanction with such a broad scope.</p>

⁶ Hungary, [Act CXIII of 2003 on the election of members of the European Parliament](#) (2003. évi CXIII. törvény az Európai Parlament tagjainak választásáról), 19 December 2003, Article 4(b).

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Criminal Code (Act IV of 1978 on the Criminal Code) ⁷ that was in effect when the crime was committed listed the types of election covered by the penalty of disqualification from participation in public affairs. The issue centred on whether a Hungarian court could apply the sanction of disqualification from participation in public affairs against citizens of other EU Member States with a general effect, or whether it only had the power to disqualify the defendant from exercising his voting rights in those elections in which a non-Hungarian citizen might participate in Hungary.
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	The Appellate Court upheld the decision of the First Instance Court, emphasising that the Hungarian election system implements the EU <i>acquis communautaire</i> . It thus allows citizens of other EU Member States to exercise their voting rights at municipal elections and, naturally, at elections for the members of the European Parliament, provided certain legal conditions were met (e.g. they are present in Hungary on the day of the election, and they have places of residence in Hungary). The sanction of disqualification from participation in public affairs should therefore be a general sanction enforceable against defendants, irrespective of their nationality. The court cannot foresee whether or not, in a given election, the conditions to exercise voting rights will be met by the defendant, meaning that it must apply the sanction with a general scope.
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>Excerpt from the decision:</p> <p><i>“Tekintettel arra, hogy Németország az Európai Unió tagja és a vádlott a Magyar Köztársaság területén lakóhellyel rendelkezik, magatartása folytán méltatlanná vált a közéletben való részvételre, a bíróság a törvénynek megfelelően (...) tiltotta el a közügyek gyakorlásától. A közügyektől eltiltást nem lehetett részlegesen, a Btk. 54. §-ának (1) bekezdésében szabályozott egyes következményekre korlátozva elrendelni, a mellékbüntetés alkalmazása maga után vonja valamennyi, az említett szakaszban felsorolt jogosultság megvonását.”</i></p>

⁷ Hungary, [Act IV of 1978 on the Criminal Code](#) (1978. évi IV. törvény a Büntető Törvénykönyvről), 31 December 1978 (the Act is not in effect since 1 July 2013), Article 54(1).

	<p>Translation:</p> <p>“Taking into consideration that Germany is a member of the European Union, and the defendant has a place of residence in the territory of Hungary, and – based on his criminal actions – he became unworthy to participate in public affairs, the court disqualified him from public affairs as it may justifiably do so under the law. The penalty of disqualification from participation in public affairs cannot be restricted to certain legal consequences as listed in Article 54(1) of the Criminal Code, thus the application of this sanction automatically means that the defendant will lose his voting rights at all listed types of elections.”</p>
<p>Has the deciding body referred to the Charter of Fundamental Rights? If yes, to which specific article.</p>	<p>No.</p>

<p>4. Subject matter concerned</p>	<p><input type="checkbox"/> 1) non-discrimination on grounds of nationality</p> <p><input checked="" type="checkbox"/> 2) freedom of movement and residence</p> <p style="padding-left: 20px;">- Articles 27-28 of Directive 2004/38/EC</p> <p><input type="checkbox"/> 3) voting rights</p> <p><input type="checkbox"/> 4) diplomatic protection</p> <p><input type="checkbox"/> 5) the right to petition</p>
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Decision date	2007
Deciding body (in original language)	Legfelsőbb Bíróság
Deciding body (in English)	Supreme Court
Case number (also European Case Law Identifier (ECLI) where applicable)	Legf. Bír. Bfv. I. 970/2007.
Parties	The defendant in the criminal procedure was a Romanian national. The prosecutor represented the Government, and the appellate procedure described below was initiated by the prosecutor.
Web link to the decision (if available)	Not available
Legal basis in national law of the rights under dispute	Article 1(1a) of Act I of 2007 on the admission and residence of persons with the right of free movement and residence: ⁸ "Hungary shall ensure the right of free movement and residence in accordance with the provisions of this act:

⁸ Hungary, [Act I of 2007 on the admission and residence of persons with the right of free movement and residence](#) (2007. évi I. törvény a szabad mozgás és tartózkodás jogával rendelkező személyek beutazásáról és tartózkodásáról), 5 January 2007, Article 1(1a).

	a) with the exception of Hungarian citizens, to nationals of any Member State of the European Union and States who are parties to the Agreement on the European Economic Area, and to persons enjoying the same treatment as nationals of States who are parties to the Agreement on the European Economic Area by virtue of an agreement between the European Community and its Member States and a state that is not a party to the Agreement on the European Economic Area with respect to the right of free movement and residence.”
Key facts of the case (max. 500 chars)	The First Instance Criminal Court sentenced the Romanian defendant to a two-year entry ban on 10 October 2007. The defendant was found guilty of attempting to steal when he tried to break the lock on the victim’s garden shed. Neighbours apprehended him, however, before he had an opportunity to take anything, and called the police. The damage caused by the defendant was insignificant (approx. €1). The prosecutor appealed against the decision.
Main reasoning / argumentation (max. 500 chars)	The prosecutor claimed that a citizen of another EU Member State could not be expelled from the territory of Hungary unless his criminal acts incurred a minimum five-year custodial sentence. Since the defendant’s act qualified as an attempt, the Criminal Code ⁹ carried a penalty of up to two years of imprisonment. As Romania joined the European Union on 1 January 2007, the defendant enjoyed the right of free movement and residence in Hungary, and could only have been expelled if he had committed a more serious crime. According to the prosecutor, the sentence was dis-proportionate to the crime.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The key issue was whether or not the court can freely decide the penalty to be applied to the criminal act of an EU citizen, or if its options are limited by the privileges granted to EU citizens under the relevant laws.

⁹ Hungary, [Act IV of 1978 on the Criminal Code](#) (1978. évi IV. törvény a Büntető Törvénykönyvről), 31 December 1978 (the Act is not in effect since 1 July 2013), Article 61(6).

Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	The Supreme Court found against the verdict of the First Instance Court and did not expel the defendant from Hungary, opting instead for a reprimand, in light of the low risk nature of the crime.
Key quotations in original language and translated into English with reference details (max. 500 chars)	Excerpt from the decision: <i>“Nem utasítható ki a Magyar Köztársaság területéről az Európai Unió másik tagországának az az állampolgára, aki olyan bűncselekményt követett el, amely a törvény szerint ötévi szabadságvesztésnél rövidebb tartamú szabadságvesztéssel büntetendő.”</i> Translation: “A citizen of another EU Member State cannot be expelled from Hungary if he commits a crime that carries a penalty of fewer than five years in prison, as stated in the Criminal Code.”
Has the deciding body referred to the Charter of Fundamental Rights? If yes, to which specific article.	No.

5. Subject matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input checked="" type="checkbox"/> 2) freedom of movement and residence - Articles 10 and 27 of Directive 2004/38/EC <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	30 June 2015
Deciding body (in original language)	Kúria
Deciding body (in English)	Curia (Supreme Court)
Case number (also European Case Law Identifier (ECLI) where applicable)	2/2015. KJE.

Parties	The decision was taken under a judicial unification procedure that aims to unify the interpretation of certain laws in Hungary. The Curia initiates a judicial unification procedure in cases where judicial practice is not unanimous on the interpretation of the law. No parties were involved.
Web link to the decision (if available)	http://www.kuria-birosag.hu/hu/joghat/22015-szamu-kje-hatarozat
Legal basis in national law of the rights under dispute	Article 18(1) point b) of Act II of 2007 on the admission and right of residence of third country nationals: ¹⁰ “Unless otherwise prescribed in this act, new residence permits or the extension of existing permits shall be refused or, if already issued, shall be withdrawn from the person: b) who has disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or misled the competent authority in respect of the purpose of residence.”
Key facts of the case (max. 500 chars)	At the request of the Attorney General, the Curia initiated a judicial unification process in view of the different interpretations of the rules on the issuance of residence permits to family members of EU citizens who are third country nationals. Some courts had ruled that disclosing false information or untrue facts to the authorities resulted in rejection of residence application or the withdrawal of an existing residence permit only where the claimant acted with intent. By contrast, instead of granting these powers of discretion to the authorities (fault-based liability), other courts found that stating untrue facts or disclosing false information in an application would automatically result in refusal or withdrawal of the residence permit of the family member, irrespective of the claimant’s intention (strict-liability approach).

¹⁰ Hungary, [Act II of 2007 on the admission and right of residence of third country nationals](#) (2007. évi II. törvény a harmadik országbeli állampolgárok beutazásától és tartózkodásától), 5 January 2007, Article 18(1) point b.

Main reasoning / argumentation (max. 500 chars)	<p>The General Attorney stated that in public administrative proceedings the authorities shall presume that the claimant acts in good faith, with the burden of proof for bad faith resting with the authorities. In procedures for issuing residence permit to a third country national family member of an EU citizen residing in Hungary, therefore, the authorities must prove that the claimant knows the information to be false or untrue.¹¹</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>Article 35 of 2004/38/EC Directive provides broad options for Member States in respect of the instruments they choose to apply to combat residence permit fraud. It is the decision of the national legislator to impose strict liability or fault-based liability in cases where the claimant provides false information or untrue facts. In addition, the grammatical = interpretation of the Hungarian law will decide which form of liability (fault-based or strict liability) the authorities must enforce.</p>
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The Curia stated that the information and facts required to issue a residence permit to a third country national family member of an EU citizen are well-known to the claimant, as they cover his/her personal circumstances (e.g. family relation to the EU citizen, status of employment, salary, etc.). It therefore ruled that disclosing false information or untrue facts should result in automatic application of the consequences, i.e. refusal of the claim or revoking the existing residence permit. The Curia found that it was not an unnecessary restriction of the rights of family members and EU citizens since the directive urges Member States to take effective measures against fraudulent behaviours in such procedures. The Curia, therefore, adopted the strict liability approach.</p>
Key quotations in original language and	<p>Paragraph III.1. of the decision:</p>

¹¹ Hungary, [Act CXL of 2004 on the general rules of administrative proceedings and services](#) (2004. évi CXL. törvény a közigazgatási hatósági eljárás és szolgáltatás általános szabályairól), 17 April 2006, Article 6(2).

<p>translated into English with reference details (max. 500 chars)</p>	<p><i>“Az objektív jogkövetkezmény végső soron azt eredményezi, hogy a kérelmezőtől a saját ügyében olyan körültekintő eljárást kíván meg a jogalkotó, amely kizárja részéről a hamis adatközlést. Eszerint a kérelmező felelőssége - a kérelmére indult eljárásban, a személyi körülményeit érintő adatszolgáltatások és tényközlések tekintetében - a tudatállapotától függetlenül fennáll.”</i></p> <p>Translation:</p> <p>“The objective legal consequences established by the act require the claimant to show prudent behaviour that guards against disclosing false information. Therefore, the claimant’s liability – in a procedure initiated at his/her request and regarding information about his/her personal circumstances – is independent from his/her state of mind.”</p>
<p>Has the deciding body referred to the Charter of Fundamental Rights? If yes, to which specific article.</p>	<p>No.</p>

<p>6. Subject matter concerned</p>	<p><input checked="" type="checkbox"/> 1) non-discrimination on grounds of nationality</p> <p><input type="checkbox"/> 2) freedom of movement and residence</p> <p style="padding-left: 20px;">- linked to which article of Directive 2004/38</p> <p><input type="checkbox"/> 3) voting rights</p> <p><input type="checkbox"/> 4) diplomatic protection</p>
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	<input type="checkbox"/> 5) the right to petition
Decision date	2011
Deciding body (in original language)	Kúria
Deciding body (in English)	Curia (Supreme Court)
Case number (also European Case Law Identifier (ECLI) where applicable)	Kfv. V. 35.470/2011.
Parties	Plaintiffs (a Romanian and a Slovakian national) were spouses; the defendant was the Government Office (<i>Kormányhivatal</i>).
Web link to the decision (if available)	Not available.
Legal basis in national law of	Article 1(4) point 7) of Governmental Decree No. 12/2001. on the state support for having a flat: ¹²

¹² Hungary, [Governmental Decree No. 12/2001. on the state support for having a flat](#) (12/2001. (I. 31.) Korm. rendelet a lakáscélú állami támogatásokról), 1 February 2001, Article 1(4) point 7.

the rights under dispute	"Beneficiaries shall be Hungarian nationals and those who – according to the law – enjoy the same rights and benefits as Hungarian nationals."
Key facts of the case (max. 500 chars)	The plaintiffs (a Romanian and a Slovakian national) resided in Hungary and applied to a commercial bank for the state supported loan to buy a flat. As stipulated by Governmental Decree No. 12/2001 on the state support for having a flat, the bank requested a certificate issued by a land registry office of the country of origin to verify that the claimants owned no property in their countries of origin. The plaintiffs submitted certificates issued by their national tax authorities to comply with this request. The bank did not accept the documents as the documents were not issued by the land registry office. Plaintiffs asked the defendant (the Hungarian public authority then responsible for supervising financial institutions) to verify that the certificates they presented were the only available documentation in their home countries to prove they met the legal requirements for the loan. The authority denied their request.
Main reasoning / argumentation (max. 500 chars)	Plaintiffs argued that EU law protected them from discrimination on grounds of nationality, and that Member States must take all measures necessary to guarantee freedom of movement and residence in another Member State to all citizens of the EU. They stated that the defendant's negative decision deprived them of a social benefit that was otherwise granted to Hungarian nationals.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The main issue was whether or not monetary support from the Hungarian State for those planning to buy their first flat in order to solve their accommodation issues, qualifies as a social benefit, in which case the state must make it available to Hungarian citizens and EU citizens equally.
Results (e.g. sanctions) and key	The court ruled for the plaintiffs and ordered the authority to certify that the tax certificates they had submitted met the requirements laid down in the Governmental Decree. The court emphasised that the plaintiffs could successfully prove that there were no certificates other than those issued by their home

consequences or implications of the case (max. 500 chars)	Member States' tax authorities to verify that they fulfilled the requirements, thus the defendant's refusal to recognise these documents was discriminatory. As the state support for buying a flat is deemed a social benefit, those enjoying free movement and residence in Hungary cannot be excluded as potential beneficiaries of the loan. The administrative challenges were interpreted as discriminatory practices.
Key quotations in original language and translated into English with reference details (max. 500 chars)	Excerpt from the decision: <i>"Egy eleve teljesíthetetlen többletfeltétel meglétének utólagos ellenőrzése ugyanis nemcsak ténylegesen, hanem fogalmilag is kizárt, továbbá ilyen feltételek támasztása nem felel meg az egyenlő bánásmód, az objektivitás, a célhoz kötöttség és az arányosság követelményének."</i> Translation: "The subsequent control of an originally impractical extra burden is impossible, and imposing such an extra burden violates the requirements of equal treatment, objectivity, purpose-oriented treatment and proportionality."
Has the deciding body referred to the Charter of Fundamental Rights? If yes, to which specific article.	No.
7.	<input type="checkbox"/> 1) non-discrimination on grounds of nationality

Subject matter concerned	<input checked="" type="checkbox"/> 2) freedom of movement and residence - Articles 19 and 25 of Directive 2004/38/EC <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	2012
Deciding body (in original language)	Pécsi Ítéltábla
Deciding body (in English)	Regional Court of Pécs
Case number (also European Case Law Identifier (ECLI) where applicable)	Pf. III. 20 083/2012/5.
Parties	Plaintiff was a Romanian national; the defendant was the Police (<i>Rendőrség</i>).
Web link to the decision (if available)	http://ukp.birosag.hu/portal-frontend/stream/birosagKod/2203/hatarozatAzonosito/Pf.20083_2012_5//

Legal basis in national law of the rights under dispute	Article 4(1) of Act CXL of 2004 on the general rules of administrative proceedings and services: ¹³ “Clients are entitled to receive fair treatment and have the right for a decision to be adopted in their official affairs within the time limits prescribed by law, as well as the right to use their native language during the course of proceedings.”
Key facts of the case (max. 500 chars)	The Romanian plaintiff resided in Hungary and was married to a Hungarian national. They had three children, all of whom were Hungarian nationals. The plaintiff applied for permanent residency status and submitted the necessary documents to the Office of Immigration and Nationality. The Office requested an opinion from the Police to make sure the claimant did not have a criminal record. The police indicated a suspicion that the signature on the lease contract – attached to prove that the claimant had accommodation in Hungary – might have been forged. Then, the police initiated a criminal procedure against the plaintiff, leading the Office of Immigration and Nationality to reject the plaintiff’s claim for permanent residency status. It subsequently turned out that the criminal charges were unfounded and that the police had made a mistake in suspecting that the document was forged.
Main reasoning / argumentation (max. 500 chars)	The plaintiff sued the police for damages, claiming that the procedure had caused him difficulties in living in Hungary since he could not obtain permanent residency status, and that his family life was impacted by the ongoing criminal procedure and the false data sent by the police to the Office of Immigration and Nationality.
Key issues (concepts, interpretations) clarified by	The key issue was whether the plaintiff could claim damages on the grounds that the police had misinformed the Immigration Office and thus led to the rejection of his application for permanent residency status. The court had to decide whether the police’s conduct was sufficiently severe and wrongful to justify the plaintiff’s claim for damages.

¹³ Hungary, [Act CXL of 2004 on the general rules of administrative proceedings and services](#) (2004. évi CXL. törvény a közigazgatási hatósági eljárás és szolgáltatás általános szabályairól), 17 April 2006, Article 4(1).

the case (max. 500 chars)	
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	The court ruled for the plaintiff, granting him damages for the negative effects of the police's misconduct. The court emphasised that it was not an irrelevant and minor mistake to send wrongful information to the Immigration Authority instead of responding to the factual question (whether or not the plaintiff was listed in the registry of convicted felons). It stated that the fact that this action led to the rejection of the plaintiff's claim for permanent residency status in Hungary represented a serious limitation on his freedom of movement and residence.
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>Excerpt from the decision:</p> <p><i>"Nem tekinthető lényegtelen jogalkalmazási tévedésnek, ha az eljáró hatóság – más szerve megkeresésére – ténykérdésben adott téves tájékoztatása a fél kérelmét elutasító döntéshez vezet."</i></p> <p>Translation:</p> <p>"It is not an irrelevant mistake if the authority's misinformation in response to a factual question from another authority leads to the rejection of the client's claim."</p>
Has the deciding body referred to the Charter of Fundamental Rights? If yes,	No.

to which specific article.	
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8. Subject matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input checked="" type="checkbox"/> 2) freedom of movement and residence - Article 7 of Directive 2004/38/EC <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	2012
Deciding body (in original language)	Legfelsőbb Bíróság
Deciding body (in English)	Supreme Court
Case number (also European Case Law Identifier (ECLI) where applicable)	Mfv. III. 10.171/2011.

Parties	Plaintiff was a Hungarian national, defendant was the Pension Authority (<i>Nyugdíjfolyósító Igazgatóság</i>) in Hungary.
Web link to the decision (if available)	Not available.
Legal basis in national law of the rights under dispute	Article 17(1) point c) of Governmental Decree No. 387/2007. on social benefits for disabled persons ¹⁴ (not in effect since 1 January 2012): <p>“The beneficiary shall not be entitled to social allowance, and the payment of the allowance shall be discontinued, if</p> <p>c) the beneficiary stays continuously abroad for more than three months.”</p>
Key facts of the case (max. 500 chars)	The disabled plaintiff suffered an accident in Austria and was hospitalised there for a long period of time. Three months later, the Hungarian Pension Authority (<i>Nyugdíjfolyósító Igazgatóság</i>) cancelled his entitlement to the social benefit granted to persons with disabilities in Hungary. In its reasoning, the authority referred to Article 17(1) point c) of Governmental Decree No. 387/2007 on social benefits for disabled persons, ordering the authority to discontinue the social benefit if the entitled person was abroad for a continuous three-month period. The plaintiff asked for judicial review of the authority's decision.
Main reasoning / argumentation (max. 500 chars)	The plaintiff argued that the authority's decision did not take into account the fact that his medical condition after the accident forced him to remain abroad for a long period of time, and it was not possible for him to return to Hungary, and that the decision violated his right to free movement and residence.

¹⁴ Hungary, [Governmental Decision No. 387/2007 on the social benefits of disabled persons](#) (387/2007. (XII. 23.) Korm. rendelet az egészségkárosodott személyek szociális járadékairól), 1 January 2008, Article 17(1) point c.

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>The court had to decide whether the material condition in the Governmental Decree on which the authority cancelled the plaintiff's social benefit was an objective consequence of the long term stay abroad. It required the authority to examine if the stay was a voluntary decision of the entitled person or if it was inflicted by circumstances beyond his control.</p>
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The court upheld the decision of the Pension Authority, emphasising that the Governmental Decree did not grant discretionary power to the Pension Authority to investigate the reason for the long-term stay abroad. Any argument against the automatic and objective application of the three-month rule would therefore be "judge-made law", which is not recognised in the Hungarian legal system. The court did not refer to the plaintiff's argument in respect of the violation of the right of free movement.</p>
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>Excerpt from the decision:</p> <p><i>"A rendszeres szociális járadékra való jogosultság megszűnik - a külföldi tartózkodás okaira és körülményeire tekintet nélkül - egyetlen feltétel teljesülésével, a három naptári hónapot meghaladó, egybefüggő külföldi tartózkodással."</i></p> <p>Translation:</p> <p>"Entitlement to regular social benefits ends if one condition is met – a continuous three-month stay abroad – irrespective of the reasons and circumstances of the stay abroad."</p>
Has the deciding body	<p>No.</p>

referred to the Charter of Fundamental Rights? If yes, to which specific article.	
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9. Subject matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input checked="" type="checkbox"/> 2) freedom of movement and residence - Article 27 of Directive 2004/38/EC <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	2009
Deciding body (in original language)	Legfelsőbb Bíróság
Deciding body (in English)	Supreme Court
Case number (also European Case Law)	Bfv. II. 499/2008.

Identifier (ECLI) where applicable)	
Parties	The defendant in this instance was a Romanian national. The prosecutor represented the Government in the criminal procedure.
Web link to the decision (if available)	http://ukp.birosag.hu/portal-frontend/stream/birosagKod/0001/hatarozatAzonosito/Bfv.499_2008_11//
Legal basis in national law of the rights under dispute	Article 1(1a) of Act I of 2007 on the admission and residence of persons with the right of free movement and residence: ¹⁵ “Hungary shall ensure the right of free movement and residence in accordance with the provisions of this act: a) with the exception of Hungarian citizens, to nationals of any Member State of the European Union and States who are parties to the Agreement on the European Economic Area, and to persons enjoying the same treatment as nationals of States who are parties to the Agreement on the European Economic Area by virtue of an agreement between the European Community and its Member States and a state that is not a party to the Agreement on the European Economic Area with respect to the right of free movement and residence.”
Key facts of the case (max. 500 chars)	The Criminal Court sentenced the Romanian national living in Hungary to four years and 10 months in prison, together with a five-year entry ban, when the defendant was found to be a member of a human-trafficking

¹⁵ Hungary, [Act I of 2007 on the admission and residence of persons with the right of free movement and residence](#) (2007. Évi I. törvény a szabad mozgás és tartózkodás jogával rendelkező személyek beutazásáról és tartózkodásáról), 5 January 2007, Article 1(1a).

	criminal organisation. The defendant appealed against the decision, challenging the legality of the entry ban sanction.
Main reasoning / argumentation (max. 500 chars)	The defendant argued that Article 61(6) of Act IV of 1978 on the Criminal Code ¹⁶ (not in effect since 1 July 2013) only allowed the court to withdraw the right of free movement and residence in the territory of Hungary where he/she committed a crime that carried a minimum five-year custodial penalty. The defendant stated that since his sentence was below this threshold, the entry ban was not a legitimate sanction.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The court had to clarify whether the five-year threshold in the Criminal Code meant that the imposed duration of imprisonment should have reached five years in that specific case, or if the penalty imposed by the Criminal Code for the particular crime should have been five years or longer in prison.
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	The court rejected the appeal, stressing that it was the length of imprisonment foreseen by the Criminal Code that mattered, rather than the actual length of imprisonment in this specific case. As the Criminal Courts' decisions take many factors into account, often including the personal circumstances of the defendant, application of the entry ban sanction depends on the crime in question. The Criminal Code limited the application of the entry ban sanction against EU nationals to cases where the crime was sufficiently serious. Here, magnitude of the crime shall be evaluated by the maximum length of imprisonment imposed by the Criminal Code on a particular type of crime.

¹⁶ Hungary, [Act IV of 1978 on the Criminal Code](#) (1978. évi IV. törvény a Büntető Törvénykönyvről), 1 July 1979, Article 61(6).

Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>Excerpt from the decision:</p> <p><i>“A külön törvény szerint szabad mozgás és tartózkodás jogával rendelkező személlyel szembeni kiutasítás alkalmazhatóságánál nem a bíróság által kiszabott szabadságvesztés tartama, hanem azon bűncselekménynek a büntetőtörvényben meghatározott büntetési tétele az irányadó, amelyben a bíróság a terhelt büntetőjogi felelősségét megállapította.”</i></p> <p>Translation:</p> <p>“The application of the entry ban sanction against those enjoying the right to free movement and residence as provided by a separate law depends not on the actual length of imprisonment the criminal court orders in the given case, but the maximum length of imprisonment available for the particular crime in the Criminal Code.”</p>
Has the deciding body referred to the Charter of Fundamental Rights? If yes, to which specific article.	<p>No.</p>

10. Subject matter concerned	<input checked="" type="checkbox"/> 1) non-discrimination on grounds of nationality <input type="checkbox"/> 2) freedom of movement and residence - linked to which article of Directive 2004/38 <input type="checkbox"/> 3) voting rights
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	<input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	3 June 2015
Deciding body (in original language)	Kúria
Deciding body (in English)	Curia (Supreme Court)
Case number (also European Case Law Identifier (ECLI) where applicable)	Kfv.II.38.080/2014/7.
Parties	The plaintiff was a Romanian national. The defendant was the Pest County Governmental Office's Land Registry Office (<i>Pest Megyei Kormányhivatal Földhivatala</i>).
Web link to the decision (if available)	http://ukp.birosag.hu/portal-frontend/stream/birosagKod/0001/hatarozatAzonosito/Kfv.38080_2014_7//

Legal basis in national law of the rights under dispute	<p>Article 8/A of Act LV of 1994 on farming lands:¹⁷</p> <p>“(1) EU nationals shall be required to provide proof of eligibility for acquiring title of ownership in the form of official certificates. They are also required to provide guarantees for future commitments fixed in a private document of full probative force or in a public document.</p> <p>(2) EU nationals shall obtain the following official certificates in proof of their eligibility for acquiring title of ownership:</p> <p>a) * an official certificate issued by the immigration authority to verify that he has been legitimately residing in Hungary for three consecutive years;</p> <p>b) * an authorization to reside, or a certificate in proof of having submitted an application for such authorization for any EU national who does not have a permanent residence permit;</p> <p>c) * an official certificate issued by the agricultural administration body, verifying that the applicant had been engaged in agricultural activities in Hungary in his own name and at his own risk for three consecutive years prior to the acquisition of ownership.”</p>
Key facts of the case (max. 500 chars)	<p>The Romanian plaintiff purchased a land in Hungary. Based on the sales contract, he requested the defendant, the Land Registry Office to register his title of ownership over the land. The defendant rejected the claim as the plaintiff failed to submit some certificates Article 8/A of Act LV of 1994 on farming lands required in cases when an EU-national wanted to acquire title of ownership over a farming land. Among these certificates, the law required a confirmation that the plaintiff had been residing in Hungary for more than three years, and that the plaintiff had been engaged in agricultural activities in Hungary for at least three years.</p>
Main reasoning / argumentation	<p>The defendant stressed in the reasoning of its decision that while the land had been registered as a ‘garden’ in the official land register, the rules on farming lands applied to it, therefore, the non-Hungarian plaintiff should have met the requirements Article 8/A of Act LV of 1994 enacted for EU citizens. The plaintiff challenged the</p>

¹⁷ [Article 8/A of Act LV of 1994 on farming lands](#) (1994. évi LV. törvény a termőföldről). The Act is not in force since 1 May 2014.

(max. 500 chars)	defendant's decision before the competent court arguing that the land was a 'weekend lot' and not a farming land or arable land, therefore, the restrictions Article 8/A of Act LV of 1994 established did not apply to his case, and that the defendant discriminated him and did not provide equal treatment (i.e. the same as those applicable to nationals) in the procedure.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The first question the court had to decide was whether the land in question qualified as a farming land or a 'weekend lot'. The next question the court had to decide was whether the plaintiff should have enjoyed national treatment in the registration procedure.
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	The court rejected the plaintiff's claim and upheld the defendant's decision. In the reasoning of the judgement, the court emphasised that EU citizens did not enjoy national treatment when they wanted to acquire title of ownership over farming lands and arable lands. The land in question was registered as a garden in the official land register, and its location was outside of the administrative borders of the town, therefore, it qualified as a farming land. Hungarian law established restrictions for acquiring title of ownership over farming lands and arable lands for non-Hungarian citizens to protect national interests. The plaintiff did not meet the criteria the law established for acquiring the title of ownership over the land, therefore, the defendant's decision was not discriminative. The law did not provide discretionary power to the defendant, therefore, the only legit decision over the plaintiff's claim was to reject it.
Key quotations in original language and translated into English with reference	<p>Excerpt from the decision:</p> <p><i>"A magyar jog a belföldi személyekkel azonos feltétellel történő földszerezést csak a termőföldnek nem minősülő ingatlanok tekintetében teszi lehetővé EU állampolgárok számára."</i></p> <p>Translation:</p>

details (max. 500 chars)	"Hungarian law provides national treatment to EU citizens when acquiring the title of ownership over real estate only in cases of real estates that do not qualify as farming or arable lands."
Has the deciding body referred to the Charter of Fundamental Rights? If yes, to which specific article.	No.

11. Subject matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input checked="" type="checkbox"/> 2) freedom of movement and residence - linked to which article of Directive 2004/38 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	2014

Deciding body (in original language)	Szombathelyi Közigazgatási és Munkaügyi Bíróság
Deciding body (in English)	Administrative and Labour Law Court of Szombathely
Case number (also European Case Law Identifier (ECLI) where applicable)	10.K.27.192/2013.
Parties	The plaintiff was a Hungarian national (Benjámín Dávid Nagy); the defendant was the Police Station of Vas County (<i>Vas Megyei Rendőr-főkapitányság</i>).
Web link to the decision (if available)	Not available
Legal basis in national law of the rights under dispute	Article 20(1) point (1) and Article 20(4) of Act I of 1988 on road transport: ¹⁸ “(1) A fine may be imposed on anyone who infringes the present law, specific legislation, or acts of Community law, relating to the keeping or use [...] within the national territory by persons or organisations resident in Hungary of vehicles with foreign registration plates.

¹⁸ [Article 20\(1\) point \(1\) and Article 20\(4\) of Act I of 1988 on road transport](#) (1988. évi I. törvény a közúti közlekedésről).

	(4) The keeper or the driver of the vehicle, as the case may be, must prove, during a check, that the requirements set out in subparagraphs 2 and 4 are satisfied, by means of a public document or a private certified document in Hungarian or accompanied by a certified or uncertified translation into Hungarian.”
Key facts of the case (max. 500 chars)	The Hungarian national plaintiff was employed by an Austrian employer and worked in Austria. The Austrian employer entitled the plaintiff to drive one of the employer’s cars anywhere without restrictions. The Hungarian Police stopped the plaintiff in the territory of Hungary as they had spotted the Austrian license plate of the car, and asked the plaintiff to prove his entitlement of driving a foreign legal entity’s car. The plaintiff could not show evidence the Hungarian law required (the foreign owner’s written permission) during the check. He could only submit the owner’s (the employer’s) written permission a few days later. The Police did not accept this, and imposed a monetary fine against the plaintiff.
Main reasoning / argumentation (max. 500 chars)	The plaintiff challenged the Police’s decision arguing that the Hungarian law is in violation of the Community law (namely, articles 45, 18 and 20 of the TFEU) when it required the driver of a car registered in another EU Member State to prove the lawfulness of his use right on spot during a police check.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The main question was whether a worker who is using a vehicle made available to him by his employer in another EU Member State is required to prove on the spot the lawfulness of the use at a police check, on threat of an immediate fine from which no exemption is possible.
Results (e.g. sanctions) and key consequences or implications	The Hungarian Court requested preliminary ruling of the Court of Justice of the European Union. The CJEU found Article 20 of the road transport act violated the non-discrimination principle of the European Union. The CJEU found that the underlying reason for the legislation in question (combatting tax fraud) went beyond what was necessary to attain that objective, and imposed an unnecessary restriction on the freedom of movement(Case C-583/14). In light of the CJEU’s decision, the Hungarian Court annulled the Police’s decision

of the case (max. 500 chars)	stressing that the Hungarian law was in violation of the Community Law by imposing a monetary fine against the worker of an employer from another EU Member State who could not prove the lawfulness of the use of the employer's car on the spot during a police check. The Court stressed that the Hungarian law, in this regard, infringed the worker's right to free movement in the territory of the European Union.
Key quotations in original language and translated into English with reference details (max. 500 chars)	Paragraph 22 of the decision: <i>"...ellentétes a közösségi joggal az olyan tagállami szabályozás, amely előírja, hogy főszabály szerint e tagállamban a közúti forgalomban kizárólag az említett tagállam által kiadott hatósági engedéllyel és jelzéssel rendelkező gépjárművek vehetnek részt, és az ugyanezen tagállam illetőségével rendelkező személynek, aki e szabály alóli mentességre kíván hivatkozni azon az alapon, hogy valamely más tagállamban székhellyel rendelkező munkáltató által a rendelkezésére bocsátott gépjárművet használ, rendőrségi ellenőrzés során a helyszínen tudnia kell igazolni, hogy megfelel a szóban forgó tagállami szabályozásban előírt feltételeknek, ellenkező esetben azonnal mentesülési lehetőség nélküli bírságot szabnak ki rá, melynek összege megegyezik a nyilvántartási kötelezettség megszegése esetén alkalmazandó bírságával."</i> Translation: "the provision of the law of the Member State infringes the Community Law when, as a rule, it states that only motor vehicles that have administrative authorisation and registration plates issued by the authorities of that Member State may be used on the roads in the Member State, and a person resident in the Member State, who is not a worker within the meaning of EU law and who seeks exemption from that provision on the grounds that he is using a vehicle made available to him by an undertaking established in another Member State, is required to prove on the spot the lawfulness of its use under the law of the Member State concerned, during a police check, on pain of an immediate fine from which no exemption is possible, the amount of which is equivalent to the fine that may be imposed for failure to register the vehicle."
Has the deciding body	No.

referred to the Charter of Fundamental Rights? If yes, to which specific article.	
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2. Table 2 – Overview

	non-discrimination on grounds of nationality	the right to move and reside freely in another Member State	the right to vote and to stand as candidates	the right to enjoy diplomatic protection of any Member State	the right to petition
Please provide the total number of national cases decided and relevant for the objective of the research if this data is available (covering the reference period)	2	7	2	0	0

