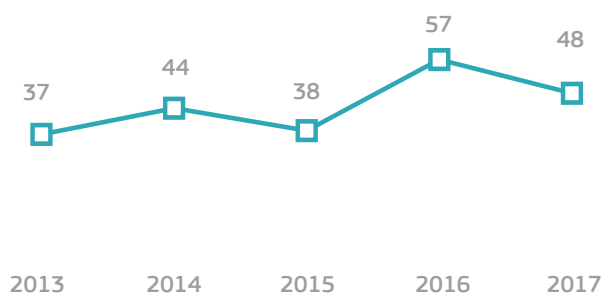




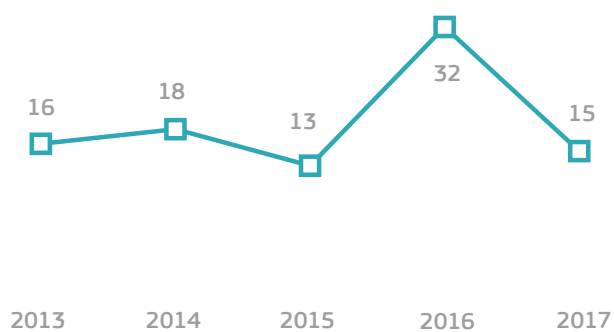
Monitoring the Application of European Union Law

Annual Report 2017

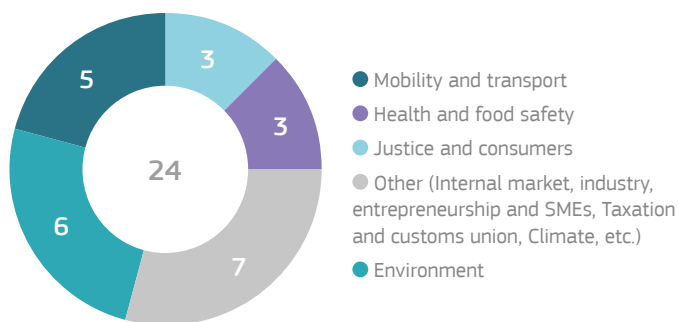
Infringement cases open as of 31 December 2017



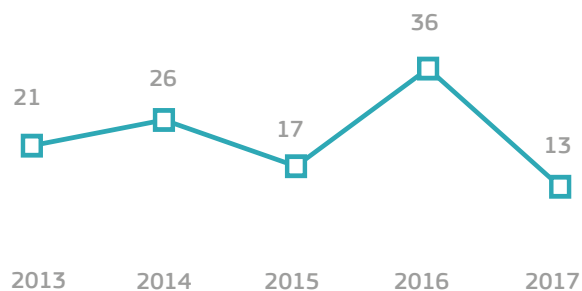
Late transposition¹ infringement cases



New infringement cases opened in 2017: main policy areas



New late transposition² infringement cases



¹ Number of infringement cases pending against this Member State on 31.12.2017 due to failure to implement an EU directive into national law on time.

² Number of new infringement cases opened against this Member State in 2017 due to failure to implement an EU directive into national law on time.



Relevant rulings of the European Courts:

1. The Court of Justice of the EU ruled that:

- *The requirement to hold Hungarian nationality in order to exercise as a notary constitutes discrimination based on nationality prohibited by the Treaty³.*
- *The provisional mechanism for the mandatory relocation of asylum seekers set up by the 2015 Council Decisions on relocation of migrants from Greece and Italy is valid⁴. The Court dismissed the actions for annulment brought by Hungary and Slovakia⁵.*

2. In preliminary rulings, the Court ruled, amongst others, that:

- *The Hungarian legislation prohibiting the organisation of games of chance without a licence violates the freedom to provide services. The requirement of having provided such services in Hungary for at least 10 years constitutes discrimination⁶.*
- *National legislation which provides that users and owners of land on which unlawful pollution was produced are jointly responsible for the environmental damage is not contrary to EU law. It is not necessary for this purpose to establish a causal link between the conduct of the land owners and the damage established, provided that such legislation complies with the principles and provisions of EU law. It is also allowed by EU law to provide in national legislation that owners of land on which unlawful pollution has been produced may be subject to fines, provided such legislation is appropriate for attaining the objective of more stringent protection and the methods for determining the amount of the fine do not go beyond what is necessary to attain that objective⁷.*
- *Under the Directive on the charging of heavy goods vehicles for the use of certain infrastructures⁸, the requirement of proportionality is not met by a system of penalties providing for the imposition of a flat-rate fine for all offences, whatever their gravity, under the rules on the obligation to make prior payment of a road toll. The requirement of proportionality does not preclude a system of penalties which institutes strict liability but does preclude the level of penalty provided for by Hungary's system⁹.*

³ Commission v Hungary, [C-392/15](#).

⁴ Council Decisions (EU) [2015/1523](#) and [2015/1601](#), and [IP/17/5002](#).

⁵ Slovakia v Council, [C-643/15](#), Hungary v Council, [C-647/15](#) and Court press release [No 91/17](#).

⁶ Unibet International, [C-49/16](#).

⁷ Túrkevei Tejtermelő Kft., [C-129/16](#).

⁸ Directive [1999/62/EC](#), as amended by Directive [2011/76/EU](#).

⁹ Joined cases: Euro-Team, [C-497/15](#), Spirál-Gép [C-498/15](#).