

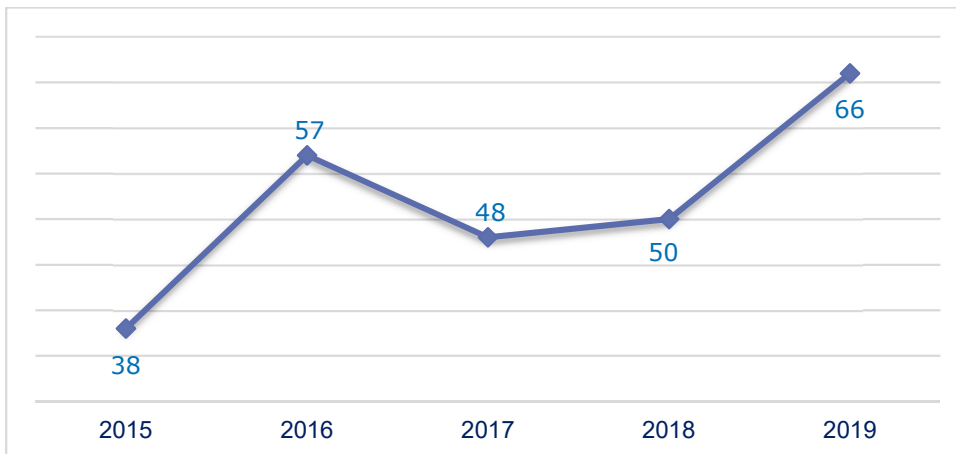
# HUNGARY

## Monitoring the Application of EUROPEAN UNION LAW

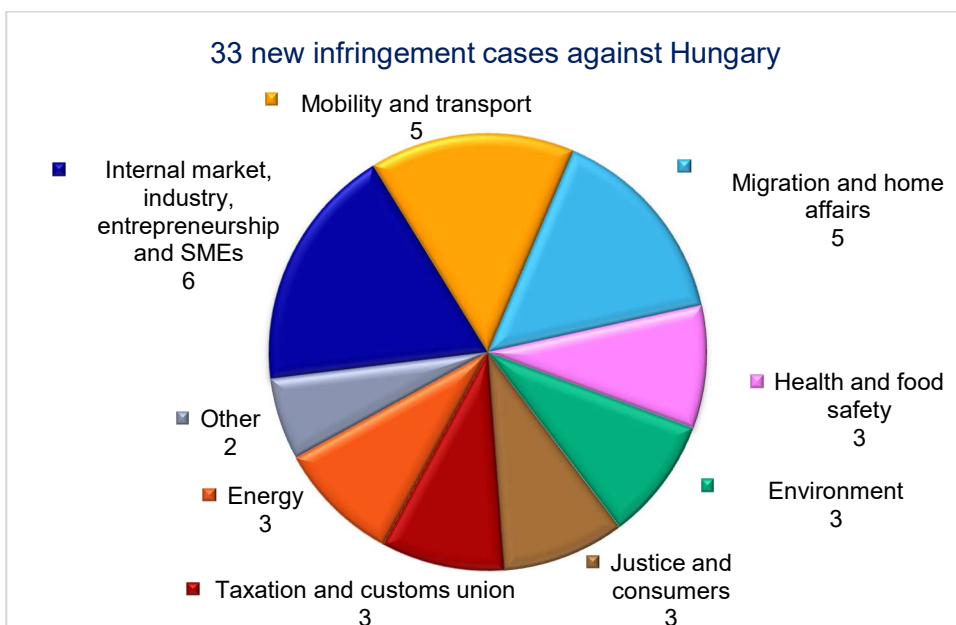
### 2019 Annual Report

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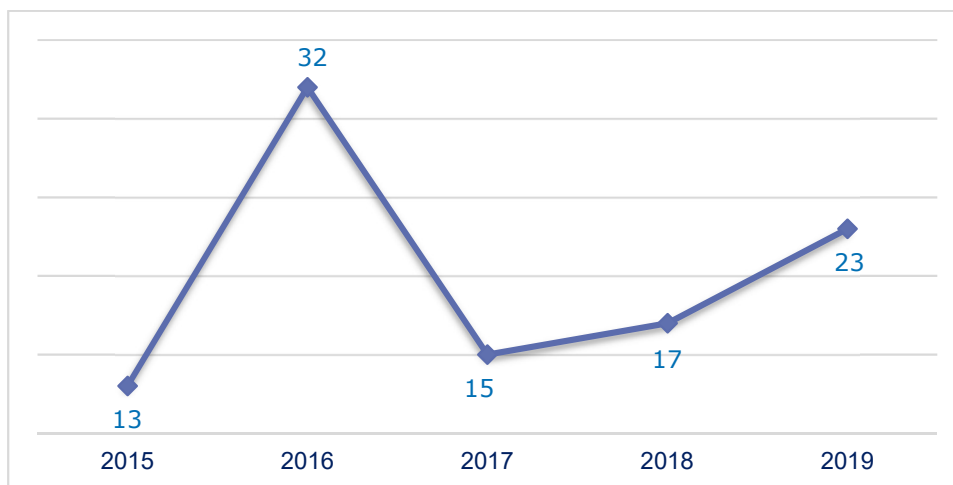
#### Infringement cases against Hungary open on 31 December (2015-2019)



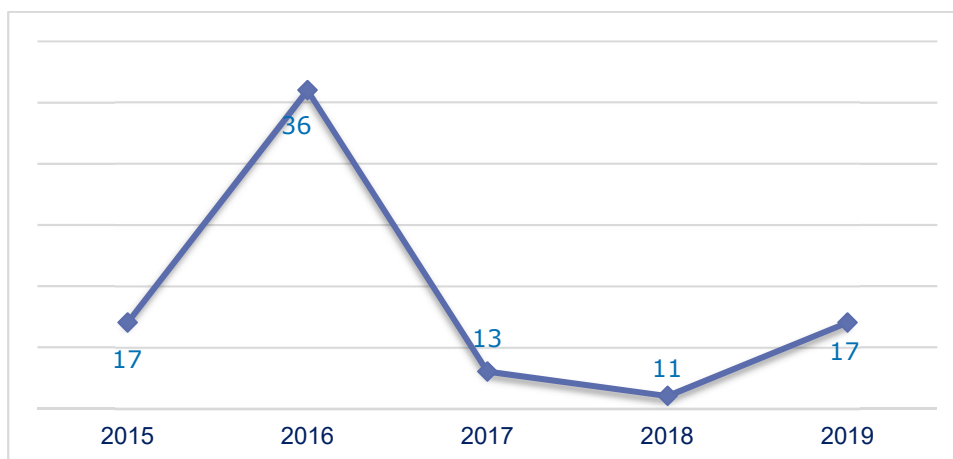
#### New infringement cases opened in 2019: main policy areas



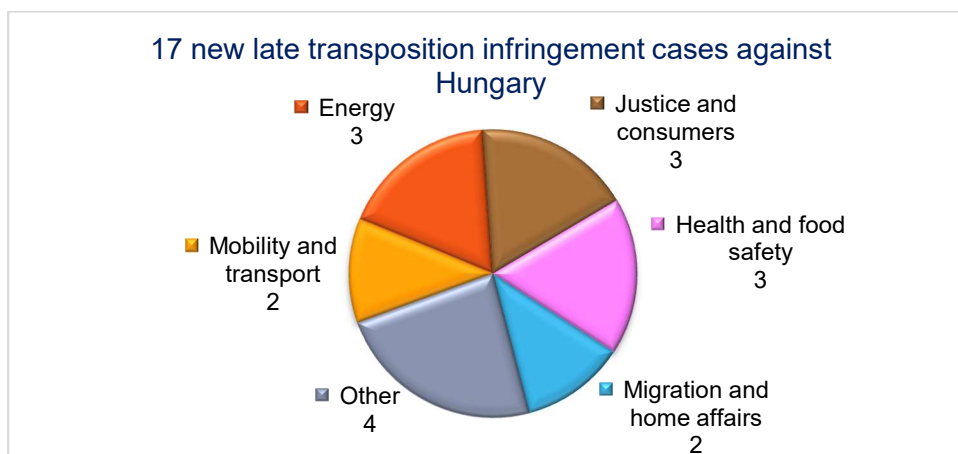
### Late transposition infringement cases against Hungary open on 31 December (2015-2019)



### New late transposition infringement cases against Hungary (2015-2019)



### New late transposition infringement cases opened in 2019: main policy areas



## IMPORTANT JUDGMENTS

### Court rulings<sup>1</sup>

The Court ruled that:

- EU law does not require a national court to set aside domestic rules of procedure conferring finality on a judgment, even if to do so would make it possible to remedy a domestic situation which is incompatible with EU law<sup>2</sup>.
- The Court concluded that by cancelling the rights of usufruct over agricultural land in its territory that are held, directly or indirectly, by nationals of other Member States, Hungary has failed to fulfil its obligations arising from the principle of the free movement of capital and the right to property guaranteed by the Charter. A Member State seeking to justify a restriction of a fundamental freedom under the TFEU Treaty must also ensure compliance with the fundamental rights guaranteed by the Charter of Fundamental Rights<sup>3</sup>.

### Preliminary rulings

The Court addressed the following preliminary rulings to the Hungarian judiciary:

- Hungary: Member States may authorise the family reunification of a refugee's sister only if she is, on account of her state of health, unable to provide for her own needs, provided that that inability is assessed having regard to the special situation of refugees and at the end of a case-by-case examination taking into account all the relevant factors, and that the refugee is providing the material support required<sup>4</sup>.
- Minor restrictive effects, provided they are neither too indirect nor too uncertain, suffice to show the existence of a measure having equivalent effect within Article 35 TFEU. Such a measure needs to be justified on grounds relating to the protection of public health, and dispensing medicinal products on the basis of order forms other than nominative medical prescriptions may undermine public health<sup>5</sup>.
- A Member State is acting in breach of EU law if it imposes lesser penalties to resident road transport enterprises than to non-resident road transport enterprises for infringements to the rules on the use of tachographs that have the same degree of gravity<sup>6</sup>.

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<sup>1</sup> These rulings are almost exclusively handed down in infringement procedures.

<sup>2</sup> *Hochtief*, Case [C-620/17](#).

<sup>3</sup> [C-235/17](#), *Commission v Hungary*.

<sup>4</sup> *TB*, Case [C-519/18](#).

<sup>5</sup> *VIPA*, Case [C-222/18](#).

<sup>6</sup> Regulation (EU) No [165/2014](#), UTEP 2006, [C-600/18](#).