

<b>Subject matter concerned</b>	<input type="checkbox"/> 1) non-discrimination on grounds of nationality X 2) freedom of movement and residence - linked to which article of the Directive 2004/38 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
<b>Decision date</b>	2014
<b>Deciding body (in original language)</b>	Szombathelyi Közigazgatási és Munkaügyi Bíróság
<b>Deciding body (in English)</b>	Administrative and Labour Law Court of Szombathely
<b>Case number (also European Case Law Identifier (ECLI) where applicable)</b>	10.K.27.192/2013.
<b>Parties</b>	The plaintiff was a Hungarian national (Benjámin Dávid Nagy), the defendant was the Police Station of Vas County ( <i>Vas Megyei Rendőr-főkapitányság</i> ).
<b>Web link to the decision (if available)</b>	Not available
<b>Legal basis in national law of the</b>	Article 20(1) point (1) and Article 20(4) of Act I of 1988 on road transport <sup>1</sup> “(1) A fine may be imposed on anyone who infringes the present law, specific legislation, or acts of Community law, relating to the keeping

<sup>1</sup> Article 20(1) point (1) and Article 20(4) of Act I of 1988 on road transport (1988. évi I. törvény a közúti közlekedésről), available at: [https://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=98800001.TV](https://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=98800001.TV).

<b>rights under dispute</b>	<p><i>or use ... within the national territory by persons or organisations resident in Hungary of vehicles with foreign registration plates.</i></p> <p><i>(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.</i></p>
<b>Key facts of the case</b> (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.
<b>Main reasoning / argumentation</b> (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.
<b>Key issues (concepts, interpretations) clarified by the case</b> (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.
<b>Results (e.g. sanctions) and key consequences or implications of the case</b> (max. 500 chars)	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 stressing that the Hungarian law is in violation of the Community Law when imposed 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.
<b>Key quotations in original language</b>	Paragraph 22 of the decision:

<p><b>and translated into English with reference details</b> (max. 500 chars)</p>	<p><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></p> <p><i>'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.'</i></p>
<p><b>Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.</b></p>	<p>No.</p>