

<b>Subject matter concerned</b>	<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 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>	3 June 2015
<b>Deciding body (in original language)</b>	Kúria
<b>Deciding body (in English)</b>	Curia (Supreme Court)
<b>Case number (also European Case Law Identifier (ECLI) where applicable)</b>	Kfv.II.38.080/2014/7.
<b>Parties</b>	The plaintiff was a Romanian national. The defendant was the Pest County Governmental Office's Land Registry Office ( <i>Pest Megyei Kormányhivatal Földhivatala</i> ).
<b>Web link to the decision (if available)</b>	<a href="http://ukp.birosag.hu/portal-frontend/stream/birosagKod/0001/hatarozatAzonosito/Kfv.38080_2014_7//">http://ukp.birosag.hu/portal-frontend/stream/birosagKod/0001/hatarozatAzonosito/Kfv.38080_2014_7//</a>
<b>Legal basis in national law of the</b>	<i>Article 8/A of Act LV of 1994 on farming lands<sup>1</sup>:</i>

<sup>1</sup> Article 8/A of Act LV of 1994 on farming lands (1994. évi LV. törvény a termőföldről), available at: <https://mkogy.jogtar.hu/?page=show&docid=99400055.TV>. (The Act is not in force since 1 May 2014.).

<b>rights under dispute</b>	<p><i>‘(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.</i></p> <p><i>(2) EU nationals shall obtain the following official certificates in proof of their eligibility for acquiring title of ownership:</i></p> <p><i>a) * an official certificate issued by the immigration authority to verify that he has been legitimately residing in Hungary for three consecutive years;</i></p> <p><i>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;</i></p> <p><i>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.’</i></p>
<b>Key facts of the case</b> (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>
<b>Main reasoning / argumentation</b> (max. 500 chars)	<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 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.</p>
<b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)	<p>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.</p>
<b>Results (e.g. sanctions) and key consequences or implications of the</b>	<p>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</p>

<b>case</b> (max. 500 chars)	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.
<b>Key quotations in original language and translated into English with reference details</b> (max. 500 chars)	<p>Excerpt from the decision:</p> <p><i>‘A magyar jog a belföldi személyekkel azonos feltétellel történő földszerzést csak a termőföldnek nem minősülő ingatlanok tekintetében teszi lehetővé EU állampolgárok számára.’</i></p> <p><i>‘Hungarian law provides national treatment to EU citizens when acquiring the title of ownership over real estates only in cases of real estates that do not qualify as farming or arable lands.’</i></p>
<b>Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.</b>	No.