

Form of order sought

The Commission claims that the Court of Justice should declare that Hungary has failed to fulfil:

- its obligations arising from Article XVII of the GATS (General Agreement on Trade in Services) by requiring foreign higher education institutions situated outside the EEA to conclude an international agreement as a prerequisite for providing education services, pursuant to Article 76(1)(a) of Law CCIV of 2011, as amended;
- its obligations arising from Article 16 of Directive 2006/123/EC ⁽¹⁾ and, in any event, from Articles 49 TFEU and 56 TFEU as well as from Article XVII of the GATS, by requiring foreign higher education institutions to offer higher education in their country of origin, pursuant to Article 76(1)(b) of Law CCIV of 2011, as amended;
- its obligations arising from Articles 13, 14(3) and 16 of the Charter of Fundamental Rights of the European Union, in relation to the restrictions described above; and that the Court should
- order Hungary to pay the costs.

Pleas in law and main arguments

The legal basis for the provision of higher education services in Hungary is Law CCIV of 2011 on national higher education, Article 76(1)(a) of which provides that a foreign higher education institution may carry out on the territory of Hungary an education activity leading to a degree only if the Hungarian Government and the Government of the State in which the foreign higher education institution is located have agreed to be bound by an international agreement relating to support in principle given to the institution to carry out an activity in Hungary, an agreement that, in the case of a federal State, is based on a previous agreement concluded with the central Government when it does not have competence to agree to be bound by an international agreement.

Furthermore, Article 76(1)(b) of Law CCIV of 2011 provides that foreign higher education institutions which carry out an activity in Hungary not only must be higher education institutions recognised by the State in the country in which they are located, but also must genuinely offer higher education in the country concerned.

On 27 April 2017, the Commission initiated infringement proceedings against Hungary in relation to Law CCIV of 2011, as amended.

As it did not consider the response presented by Hungary to be satisfactory, the Commission, on 14 July 2017, sent to Hungary a reasoned opinion, thereby moving to the next phase of infringement proceedings.

Taking the view that the response to the reasoned opinion was also unsatisfactory, the Commission decided to refer the case to the Court of Justice for a declaration that Hungary has failed to fulfil its obligations arising from Article XVII of the GATS, Article 16 of Directive 2006/123/EC, Articles 49 TFEU and 56 TFEU, and Articles 13, 14(3) and 16 of the Charter of Fundamental Rights of the European Union.

⁽¹⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36).

Action brought on 6 February 2018 — European Commission v Hungary**(Case C-78/18)**

(2018/C 211/11)

*Language of the case: Hungarian***Parties**

Applicant: European Commission (represented by: V. Di Bucci, L. Malferrari and K. Talabér-Ritz, acting as Agents)

Defendant: Hungary

Form of order sought

The Commission claims that the Court of Justice should:

- Declare that Hungary, by introducing discriminatorily, unnecessarily and without justification restrictions on foreign grants to Hungarian civil organisations through the a külföldről támogatott szervezetek átláthatóságáról szóló 2017. évi LXXXVI. törvény (Law LXXXVI of 2017, on the transparency of organisations that receive financial support from abroad), the provisions of which impose obligations of registration, declaration and transparency on certain categories of civil organisations—those that receive direct or indirect foreign financial support exceeding a specified amount—and also make it possible for penalties to be imposed on organisations that do not fulfil such obligations, has failed to fulfil its obligations under Article 63 TFEU and Articles 7, 8 and 12 of the Charter of Fundamental Rights of the European Union.
- Order Hungary to pay the costs.

Pleas in law and main arguments

Law LXXXVI of 2017, on the transparency of organisations that receive financial support from abroad, imposes new obligations of registration, declaration, transparency and publicity on certain categories of civil organisations—those that receive direct or indirect foreign financial support exceeding a specified amount—and also makes it possible for penalties to be imposed on organisations that do not fulfil such obligations.

On 14 July 2017, the Commission initiated infringement proceedings against Hungary in relation to Law LXXXVI of 2017.

Finding that the response provided by Hungary was unsatisfactory, the Commission moved to the next phase of infringement proceedings and, on 5 October 2017, sent Hungary a reasoned opinion.

Finding that the response to the reasoned opinion was not satisfactory either, the Commission decided to refer the case to Court of Justice for a declaration that Hungary had failed to fulfil its obligations under Article 63 TFEU and Articles 7, 8 and 12 of the Charter of Fundamental Rights of the European Union.

Appeal brought on 21 February 2018 by CJ against the judgment of the General Court (First Chamber) delivered on 13 December 2017 in Case T-602/16: CJ v European Centre for Disease Prevention and Control (ECDC)

(Case C-139/18 P)

(2018/C 211/12)

Language of the case: English

Parties

Appellant: CJ (represented by: V. Koliás, Δικηγόρος)

Other party to the proceedings: European Centre for Disease Prevention and Control (ECDC)

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 13 December 2017 in Case T-602/16 CJ v ECDC (EU:T:2017:893) in whole;
- consequently, in the event that the appeal is declared well founded, annul the contested appraisal report of 21 September 2015;
- order the ECDC to pay all costs of the proceedings at first instance and on appeal.