C/2025/124

6.1.2025

Action brought on 4 December 2024 – European Commission v Hungary

(Case C-829/24)

(C/2025/124)

Language of the case: Hungarian

Parties

Applicant: European Commission (represented by: L. Armati, A. Bouchagiar, M. Mataija, Zs. Teleki and J. Tomkin, acting as Agents)

Defendant: Hungary

Form of order sought

The Commission claims that the Court should:

— declare that, by adopting a nemzeti szuverenitás védelméről szóló 2023. évi LXXXVIII. törvény (Law LXXXVIII of 2023 on the protection of national sovereignty), Hungary has infringed Articles 49, 56 and 63 TFEU, Article 3 of Directive 2000/31/EC of the European Parliament and of the Council on electronic commerce, ([1]) Articles 14, 16 and 19 of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market, ([2]) Articles 7, 8, 11, 12, 47 and 48 of the Charter of Fundamental Rights of the European Union and Articles 5, 6, 9 and 10 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. ([3])

— order Hungary to pay the costs.

Pleas in law and main arguments

National legislation at issue

On 12 December 2023, the Hungarian National Assembly passed a nemzeti szuverenitás védelméről szóló 2023. évi LXXXVIII. törvény (Law LXXXVIII of 2023 on the protection of national sovereignty; 'the Law at issue').

Main arguments

The Law at issue establishes a Sovereignty Protection Office in Hungary, endowed with extensive powers of investigation. Its activities are largely excluded from judicial review and, based on a binary distinction between Hungarian and non-Hungarian activities and interests, it is empowered to operate in such a way that it need not take account of Hungary's membership of the European Union or Hungary's obligations under the EU Treaties. Specifically, the Commission submits that the Law at issue makes it possible to target activities that are a legitimate expression of the rights conferred by the EU Treaties on EU citizens and organisations and to restrict such activities. In addition, it makes those citizens and organisations subject to the exercise of State powers that infringe the rules on data protection and are incompatible with a number of fundamental rights, which are the pillars of a pluralistic and democratic society.

([1]) Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ 2000 L 178, p. 1).

([2]) 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).

([3]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ 2016 L 119, p. 1).