



## Reports of Cases

### Judgment of the Court (Sixth Chamber) of 15 March 2018 — *Commission v Czech Republic*

(Case C-575/16)<sup>1</sup>

(Failure of a Member State to fulfil obligations — Article 49 TFEU — Freedom of establishment — Notaries — Nationality requirement — Article 51 TFEU — Connection with the exercise of official authority)

1. *Freedom of establishment — Exceptions — Activities connected with the exercise of official authority — Definition — Activities constituting a direct and specific participation in the exercise of official authority*  
*(Art. 51, first para., TFEU)*  
*(see paras 99-102)*
  
2. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Irrelevant*  
*(Art. 258 TFEU)*  
*(see para. 105)*
  
3. *Freedom of establishment — Exceptions — Activities connected with the exercise of official authority — Notarial activities — Not included — Nationality requirement for access to the notarial profession — Not permissible*  
*(Arts 49 TFEU and 51, first para., TFEU)*  
*(see paras 107, 108, 111, 113-116, 126, 128, 130, 133, operative part 1)*

<sup>1</sup> OJ C 22, 23.1.2017.

**Operative part**

The Court:

1. Declares that, by imposing a nationality requirement for access to the profession of notary, the Czech Republic has failed to fulfil its obligations under Article 49 TFEU;
2. Orders the Czech Republic to pay the costs.