

TRIBUNAL DE JUSTICIA DE LAS COMUNIDADES EUROPEAS
SOUDNÍ DVŮR EVROPSKÝCH SPOLEČENSTVÍ
DE EUROPÆISKE FÆLLESSKABERS DOMSTOL
GERICHTSHOF DER EUROPÄISCHEN GEMEINSCHAFTEN
EUROOPA ÜHENDUSTE KOHUS
ΔΙΚΑΣΤΗΡΙΟ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΚΟΙΝΟΤΗΤΩΝ
COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES
COUR DE JUSTICE DES COMMUNAUTÉS EUROPÉENNES
CÚIRT BHREITHIÚNAIS NA gCÓMHPHOBAL EORPACH
CORTE DI GIUSTIZIA DELLE COMUNITÀ EUROPEE
EIROPAS KOPIENU TIESA



ÞPOS BENDRIJŪ TEISINGUMO TEISMAS
İRÓPAI KÖZÖSSÉGEK BÍRÓSÁGA
IL-QORTI TAL-GUSTIZZJA TAL-KOMUNITAJIET EWROPEJ
HOF VAN JUSTITIE VAN DE EUROPESE GEMEENSCHAPPEN
TRYBUNAŁ SPRAWIEDLIWOŚCI WSPÓLNOT EUROPEJSKICH
TRIBUNAL DE JUSTIÇA DAS COMUNIDADES EUROPEIAS
SÚDNY DVOR EURÓPSKÝCH SPOLOČENSTIEV
SODIŠČE EVROPSKIH SKUPNOSTI
EUROOPAN YHTEISÖJEN TUOMIOISTUIN
EUROPEISKA GEMENSKAPERNAS DOMSTOL

Press and Information

PRESS RELEASE No 85/06

5 October 2006

Judgment of the Court of Justice in Joined Cases C-290/05 and C-333/05

*Ákos Nádasdi v. Vám- és Pénzügyőrség Észak-Alföldi Regionális Parancsnoksága and
Ilona Németh v. Vám- és Pénzügyőrség Dél-Alföldi Regionális Parancsnoksága*

**HUNGARIAN REGISTRATION DUTY IS CONTRARY TO COMMUNITY LAW IN
SO FAR AS IT IMPOSES A HEAVIER BURDEN ON IMPORTED USED VEHICLES
THAN ON SIMILAR USED VEHICLES ALREADY REGISTERED IN HUNGARY**

In Hungary, a registration duty is payable on every private motor vehicle which is intended to be placed in circulation in the national territory. Amounts payable in respect of that duty differ on the basis of emissions norms, the type of fuel used and the engine size, but do not vary between new and used vehicles and do not reflect the depreciation in value of used vehicles.

Having purchased a used private motor vehicle in Germany, Mr Nádasdi (Case C-290/05) paid the Hungarian registration duty when importing the vehicle into Hungary. The amount of that duty was however subsequently increased. Mr Nádasdi brought an action before the Hajdú-Bihar Megyei Bíróság (County Court, Hajdú-Bihar) for judicial review of that decision of the Hungarian customs authority to increase the amount of duty payable by him.

Mrs Németh (Case C-333/05) also bought a used private motor vehicle in Germany in respect of which the Hungarian customs authority set the amount of registration duty payable. Taking the view that that duty infringes Community law, Mrs Németh brought an action against the decision of the customs authority before the Bács-Kiskun Megyei Bíróság (County Court, Bács-Kiskun).

The two Hungarian national courts referred questions to the Court of Justice of the European Communities for a preliminary ruling on the compatibility of the Hungarian registration duty with Community law.

In examining the compatibility of the registration duty in the light of Article 90 EC, under which a Member State may not impose on the products of other Member States any taxation in excess of that imposed on similar domestic products, the Court points out that it is necessary, in the present case, to compare the effects of the registration duty imposed on used vehicles which are newly imported from a Member State other than the Republic of Hungary

with the effects of the residual registration duty on similar used vehicles registered in Hungary and which, for that reason, have already been subject to that same duty.

The Court points out that a new vehicle, on which registration duty has been paid in Hungary loses, with time, part of its market value and that the amount of registration duty included in the residual value of the vehicle diminishes proportionally. Since it is a used vehicle, it can be sold only for a percentage of its initial value, which contains the residual amount of the registration duty.

A vehicle of the same model, age, mileage and other characteristics, bought second-hand in another Member State and registered in Hungary, will however attract 100% of the registration duty for that category of vehicle. **Consequently, the duty imposes a heavier burden on imported used vehicles than on similar used vehicles already registered in Hungary.**

Accordingly, the Court finds that Community law precludes a duty such as the Hungarian registration duty in so far as the amount thereof is calculated, without taking the depreciation of the vehicles into account, in such a way that, when it applies to used vehicles imported from other Member States, it exceeds the amount of that duty included in the residual value of similar used vehicles which have already been registered in Hungary.

The Court considers that there is no need to limit the temporal effects of this judgment.

Unofficial document for media use, not binding on the Court of Justice.

Languages available: FR, CS, DE, EN, HU, IT, PL, SL, SK

The full text of the judgment may be found on the Court's internet site

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-290/05>

It can usually be consulted after midday (CET) on the day judgment is delivered.

For further information, please contact Christopher Fretwell

Tel: (00352) 4303 3355 Fax: (00352) 4303 2731

Pictures of the delivery of the judgment are available on EbS "Europe by Satellite", a service provided by the European Commission, Directorate-General Press and Communications,

L-2920 Luxembourg, Tel: (00352) 4301 35177 Fax: (00352) 4301 35249

or B-1049 Brussels, Tel: (0032) 2 2964106 Fax: (0032) 2 2965956