Reflections on the Case Law of the Court of Justice of the European Union Regarding Rural Development – Can the Application of General Principles Have an Impact on the Economic Actor's Position?

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Abstract

The Common Agricultural Policy, and due to its decentralized nature, rural development is also characterized by so-called atypical regulations. In connection with these regulations, Member States may or must take so-called implementing measures. These Member States measures and laws must comply with the objectives of the relevant EU regulation and the general principles of EU law. However, this obligation must be examined not only in relation to Member State measures, but also in relation to every individual decision taken within their scope, which causes significant difficulties in the application of the law. The case law of the Court of Justice of the European Union, which must be followed by the administrative authorities and courts of the Member States, has developed different practices for different cases. In this article, we examine the conditions that can be imposed by Member States, the sanctions that can be imposed, and the case law relating to aid paid without legal basis or unlawfully. This case law conditions important decisions for economic operators. This study raises issues that require further research in specific areas, comparing it with domestic practice.

Keywords: *MS discretion, conditions set by MSs, sanctions, repayment of unlawfully paid subsidies, recovery of subsidies paid without legal basis.*

JEL Classification: K33, K41, Q14, Q18

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1. Introduction

Within the framework of the Common Agricultural Policy (CAP), rural development takes on a distinctive character due to its decentralized nature[5] and its focus on local needs[6]. This bottom-up approach is also emphasized in the literature[7]. In practice, EU regulations are complemented by Member State (MS) implementing measures that must comply with EU objectives and general principles of EU law, both at the legislative level and in individual decisions[8].

This study focuses on MSs' discretion. We will examine the conditions imposed by MSs within the scope of the European Agricultural Fund for Rural Development (EAFRD), the applicable sanctions, and the conditions for the repayment of subsidies granted without a legal basis or unlawfully. The application of uncodified general principles – which are often tailored to the needs of the economy – poses difficulties for both national authorities and courts. However, in many cases, their application can ensure the survival of economic actors or, despite difficulties in enforcement, lead to more nuanced decisions based on specific circumstances.

2. Conditions That Member States May Impose

Rural development is characterized by decentralization and alignment with local needs[9]. As a result, the question of whether specific conditions comply with the requirements of EU law has frequently arisen in this area. This leads to disputes before the CJEU, including cases from Hungary. Recent scholarship highlights increasing MS discretion in CAP implementation[10].

Judgments concerning the conditions imposed by MS include the judgment in the case of József Lingurár[11], concerning the denial of EAFRD funding for Natura 2000

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[5] Michael Cardwell, review of *La politique agricole commune (PAC)—Toute la PAC, rien d'autre que la PAC*, by Danièle Bianchi, *European Law Journal* 15, no. 3 (2009): 414–417, https://doi.org/10.1111/j.1468-0386.2009.00468_2.x.

[6] István Olajos, *A vidékfejlesztési jog kialakulása és története* [*The Development and History of Rural Development Law*], CEDR Agrár- és Környezetjogi Monográfiák 2 (Miskolc: Novotni Alapítvány, 2008), 25–26, https://real.mtak.hu/91675/.

[7] Ibid, 25–26.

[8] Roberto Baratta, "Complexity of EU Law in the Domestic Implementing Process," *The Theory and Practice of Legislation* 2, no. 3 (2014): 293–308, https://doi.org/10.5235/2050-8840.2.3.293; Michael Dougan, "Judicial Review of Member State Action under the General Principles and the Charter: Defining the 'Scope of Union Law,'" *Common Market Law Review* 52, no. 5 (2015): 1201–1246, https://doi.org/10.54648/COLA2015102.

[9] Muhammad Shakil Ahmad and Noraini Bt. Abu Talib, "Decentralization and Participatory Rural Development: A Literature Review," *Contemporary Economics* 5, no. 4 (2011): 58–67, https://doi.org/10.5709/ce.1897-9254.28; Priyantha W. Mudalige, "The Discussion of Theory and Practice on Decentralization and Service Delivery," *European Scientific Journal* 15, no. 14 (2019): 115–135, https://doi.org/10.19044/esj.2019.v15n14p115.

[10] Joseph A. McMahon, *EU Agricultural Law and Policy* (Cheltenham, UK: Edward Elgar Publishing, 2019), https://doi.org/10.4337/9781781002551.

[11] Court of Justice of the European Union, *József Lingurár v. Miniszterelnökséget vezető miniszter*, Case C-315/16, judgment of March 30, 2017, ECLI:EU:C:2017:244, https://eur-lex.europa.eu/legal-content/EN/

forest land due to minimal state ownership. In this decision, the MS's implementing measure under the atypical regulation exceeded its margin of discretion by undermining the regulation's objectives. Moreover, the principle of proportionality did not justify fully denying the subsidy, since state ownership covered only a small part of the forest area concerned. The judgments in the JK Otsa Tau cases[12] fall into this category, although this decision is an exception. The case concerned a farmer denied agri-environmental aid due to limited budgetary resources. In its judgment, the CJEU acknowledged that MSs must take into account the requirements established by the general principles of EU law when implementing EU law.

Further, we will see that the general principles of EU law do not apply in all areas. The CJEU held that principles such as equal treatment and proportionality were not applicable under these circumstances. In the judgment in the Ketelä case[13], a farmer denied start-up aid due to a previous minor shareholding in a company. The CJEU held that such limited ownership did not justify exclusion from support. The MS authority referred to Regulation (EC) No 1974/2006[14], which allows MSs to specify the rules under which an agricultural producer begins to carry out agricultural activities for the first time within the framework of an agricultural holding. In this respect, the measure clearly constitutes a MS implementing measure relating to an atypical regulation.

The objectives set out in the relevant regulations include improving human resources and enhancing the sector's competitiveness. The CJEU emphasized that, under Regulation (EC) No 1698/2005[15], no legal form may be assigned to a person who is starting farming for the first time.

It is characteristic of the CAP that the interpretation of terms such as "head of an agricultural holding" may vary depending on the objectives pursued by a given piece of EU legislation - the beneficiary must possess professional qualifications and submit a business plan that promotes the efficient use of human resources, the restructuring of farms to improve the competitiveness of agriculture, and the sustainable development of rural areas[16]. The legal structure and continuity of agricultural holdings are also relevant, particularly in relation to lease relationships and intergenerational farm transfers[17]. These may influence the practical implementation of CAP measures,

TXT/?uri=CELEX:62016CJ0315.

[12] Court of Justice of the European Union, *JK Otsa Talu OÜ v. Põllumajanduse Registrite ja Informatsiooni Amet (PRIA)*, Case C-241/07, judgment of June 4, 2009, [2009] ECR I-4323, ECLI:EU:C:2009:337, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62007CJ0241.

[13] Court of Justice of the European Union, *Anssi Ketelä*, Case C-592/11, judgment of October 25, 2012, ECLI:EU:C:2012:673, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62011CJ0592.

[14] Commission Regulation (EC) No. 1974/2006 of December 15, 2006, laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), 2006 O.J. (L 368) 15, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006R1974.

[15] Council Regulation (EC) No. 1698/2005 of September 20, 2005, on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), 2005 O.J. (L 277) 1, https://eur-lex.europa.eu/eli/reg/2005/1698/oj/eng.

[16] Council Regulation (EC) No. 1698/2005.

[17] Anna Bandlerová and Jarmila Lazíková, "Land Lease Contract and Prior Right of Lessee to Concluding the New Land Lease Contract—Case of Slovakia," *Juridical Tribune – Tribuna Juridica* 6, no. 2 (2016):

especially where MSs seek to stabilize agricultural[18]. However, the conditions a MS may impose must remain within the limits of the relevant regulations, which the national legislation respects by requiring ownership of at least half the shares and more than half the voting rights in the legal entity concerned. The CJEU noted, however, that during the period when Ketelä served as CEO, he held only a 30% stake in the company, which precluded him from exercising any actual influence over it. Consequently, this ownership stake should not prevent the company from receiving start-up assistance.

The party in the main proceedings concerned by the judgment in the Région Wallone case[19]. The case concerned whether production value should be assessed at the level of the whole holding or its part, the CJEU upheld the MS approach. The most important question raised in the preliminary ruling procedure sought to determine whether the relevant provisions of Regulation (EU) No 1305/2013[20] and Commission Delegated Regulation (EU) No 807/2014[21] are consistent with the legislation of the MS, under which the production value related to the start-up of a business is taken into account based on the entire farm rather than the productive part of the farm. According to the CJEU, under the relevant regulations, MS legislation using the total gross production value of the agricultural holding rather than only the young farmer's share was not contrary to EU law.

The party concerned in the main proceedings in Karl und Georg Anwander[22] operated a dairy farm in mountainous areas, partly in Bavaria and partly in Baden-Württemberg. The application for compensatory subsidies for disadvantaged areas was rejected because part of the land was not located in Baden-Württemberg. MSs implement Regulation (EU) No 1305/2013[23] through rural development support programs, within the framework of which they develop several national or regional programs and have discretion in this regard. The relevant EU provisions do not preclude national law or practice from denying aid in mountainous or disadvantaged areas if they

304–320, https://www.tribunajuridica.eu/arhiva/An6v22/23%20Bandlerova.pdf.

[18] Jarmila Lazíková and Anna Bandlerová, "Land Lease in Slovakia in the Light of the New Legal Regulations," *Przegląd Prawa Rolnego*, no. 1 (30) (2022): 125–143, https://doi.org/10.14746/ppr.2022.30.1.9.

[19] Court of Justice of the European Union, *C.J. v. Région wallonne*, Case C-830/19, judgment of July 8, 2021, ECLI:EU:C:2021:552, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62019CJ0830

[20] Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of December 17, 2013, on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No. 1698/2005, 2013 O.J. (L 347) 487, https://eur-lex.europa.eu/eli/reg/2013/1305/oj/eng.

[21] Commission Delegated Regulation (EU) No. 807/2014 of March 11, 2014, supplementing Regulation (EU) No. 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and introducing transitional provisions, 2014 O.J. (L 227) 1, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0807.

[22] Court of Justice of the European Union, *Karl und Georg Anwander GbR Güterverwaltung v. Land Baden-Württemberg*, Case C-239/23, judgment of October 17, 2024, ECLI:EU:C:2024:888, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0239.

[23] Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of December 17, 2013, on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No. 1698/2005, 2013 O.J. (L 347) 487, https://eur-lex.europa.eu/eli/reg/2013/1305/oj/eng.

lie outside the region covered by the MS's rural development programme. However, national legislation that, in the case of similar aid, makes the granting of aid conditional on the location of the agricultural producer's farm is incompatible with those same provisions.

In the main proceedings of the case Līga Šenfelde v Lauku atbalsta dienests[24], the owner of an agricultural holding received aid for the establishment of small-scale agricultural holdings. Less than a year later, he purchased his parents' farm, for which he applied for aid to set up a young farmer's enterprise, while continuing the activity covered by the first aid. According to the decision of the MS authority, EU Regulation No. 1305/2013[25] does not permit the granting of this second application in such a situation; that is, the requested second aid cannot be granted. In its judgment, the CJEU held that EU Regulation No. 1305/2013 does not preclude national legislation that allows a farmer who has received support for the development of small agricultural holdings to also receive support for young farmers. In this case, a second question arose as to whether Regulation No. 1305/2013 affords MSs discretion to allow their legislation to exclude the aid referred to in Article 19(1)(a)(i) of the Regulation[26] – namely, support for young farmers to set up a business – to agricultural producers who have already acquired eligibility for aid for the development of small farms and for setting up a business. Given that MSs have relatively broad discretion in implementing rural development programs, in the course of which they must take into account the objectives of the programs, the CJEU ruled that they consequently have the option to impose restrictions, and thus exclude from the aid granted to young farmers those who have received aid for the development of small agricultural holdings

With regard to the conditions that MSs may impose, it is worth mentioning the judgment in the Szatmári Malom case[27], in the main proceedings of which the economic operator submitted an application for aid after demolishing several of its existing mills. Under Hungarian law, which is otherwise compatible with EU law, an aid application may be submitted only for the modernization of existing mills, not for the construction of new ones. The rationale for this provision was the underutilization of capacity in the case of existing mills. However, in applying the principle of equal treatment – which requires that similar situations be treated similarly and different situations differently – the national court hearing the case was able, in that specific situation, to set aside the application of regulations that otherwise met the criteria established by EU law, taking economic criteria into account.

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[24] Court of Justice of the European Union, *Līga Šenfelde v. Lauku atbalsta dienests*, Case C-119/20, judgment of October 6, 2021, ECLI:EU:C:2021:817, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020CJ0119.

[25] Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of December 17, 2013, on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No. 1698/2005, 2013 O.J. (L 347) 487, https://eur-lex.europa.eu/eli/reg/2013/1305/oj/eng.

[26] Regulation (EU) No. 1305/2013.

[27] Court of Justice of the European Union, *Szatmári Malom Kft. v. Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve*, Case C-135/13, judgment of May 15, 2014, ECLI:EU:C:2014:327, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62013CJ0135.

In the judgment in the József Lingurár case[28], the general principle of proportionality was applied in favor of the agricultural producer, and the regulation in question did not fall within the MSs' discretion or within the scope of application of atypical regulations. In contrast, in the judgment in the JK Otsa Talu case[29] – since the budgetary resources allocated to the agricultural and environmental measures in question had been exhausted – the general principles were not applied, or rather could not be applied. It should be noted, however, that although the CJEU examined the applicability of the general principles, they could not be applied due to the nature of the MS legislation in question. In applying the principle of proportionality, the amounts of aid granted to producers who had already entered into contracts would also have had to be reduced proportionally, which would clearly have conflicted with other principles, such as those of legal certainty and the protection of legitimate expectations. In this respect, this can be considered an exception.

In the judgment in the Szatmári Malom case[30], the national court hearing the case was required to set aside a national implementing measure that otherwise complied in every respect with the conditions laid down by the relevant regulation – that is, the conditions laid down by EU law – in that specific case, since its application did not fall within the margin of discretion granted to MSs by the basic regulation, nor did it meet the conditions set by the general principle of equal treatment. This judgment perhaps highlights more clearly than any of the other decisions examined that EU law, in the areas of positive integration and, in particular, rural development – areas in which decentralized decision-making is notoriously characteristic – decisions by legal practitioners, which are defined by and bound to the specific legal rules customary in our continental legal system, are somewhat pushed into the background.

MS administrative authorities must also make their decisions in accordance with EU law, but this rarely happens in practice. In the context of these decisions, provisions of MS legislation that otherwise comply with the conditions set forth by EU law may, under the specific economic circumstances of a given case, conflict with the objectives of the relevant EU regulation. The CJEU resolves this conflict by applying general principles – which are uncodified, flexible, and tailored to the needs of the economy – in such a way as to require the national court hearing the case to set aside a specific provision of national law that would otherwise conform with EU law, within the context of that particular case. A case like this demonstrates that, in certain instances, a national court must depart from the specific provisions of national law even if those provisions generally comply with the conditions set forth by EU law. This represents a decentralisation of legislative decisions to the courts of the MSs. It should

[28] Court of Justice of the European Union, *József Lingurár v. Miniszterelnökséget vezető miniszter*, Case C-315/16, judgment of March 30, 2017, ECLI:EU:C:2017:244, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62016CJ0315.

[29] Court of Justice of the European Union, *JK Otsa Talu OÜ v. Põllumajanduse Registrite ja Informatsiooni Amet (PRIA)*, Case C-241/07, judgment of June 4, 2009, [2009] ECR I-4323, ECLI:EU:C:2009:337, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62007CJ0241.

[30] Court of Justice of the European Union, *Szatmári Malom Kft. v. Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve*, Case C-135/13, judgment of May 15, 2014, ECLI:EU:C:2014:327, https://eur-lex.euro pa.eu/legal-content/EN/TXT/?uri=CELEX:62013CJ0135.

also be noted that the judgment in the Szatmári Malom case[31] is, in fact, consistent with logical agricultural policy objectives. It also follows from the nature of the case that similar situations cannot always be addressed by amending the law. There may always be specific cases for which the specific legal provision is not appropriate.

Following the conditions for accessing aid, in the Ketelä case[32] and the Dél-Zempléni Nektár Leader Nonprofit Kft[33]. In this case, the CJEU addressed the discretion of MSs regarding legal form, which concerned the question of what legal form MSs may prescribe or require in their rural development programs.

In the Dél-Zempléni Nektár case, the CJEU ruled that the provisions of the Charter of Fundamental Rights of the EU and the general principles of EU law must be applied, while in the Ketelä case, the CJEU examined the discretion afforded by the regulation. In the Dél-Zemplén case, the issue was whether MSs may require a specific legal form for recognition as a local LEADER action group, i.e., under Hungarian law, the previously granted legal status of a local LEADER action group was revoked because this is possible only in the form of an association, not as a non-profit limited liability company. In the Ketelä case, the CJEU examined whether an applicant who was the manager of an agricultural holding operating as a joint-stock company could be excluded from aid designed to assist young farmers in setting up their businesses, given that the company was not actually and permanently under his control. In the Dél-Zempléni Nektár case, MSs have broad discretion regarding the requirements for legal form, whereas in the Ketelä case, the CJEU examined the MS's decision, which denied the young farmer access to the aid, in light of its established case law regarding MS' discretion in the context of atypical regulations. According to the court, the agricultural producer in question, as the head of the joint-stock company, did not have actual and lasting influence over the management of the agricultural holding in question, because he held only 30% of the ownership rights in that legal entity. Overall, we can conclude that EU law in this area prioritizes what is known as a functional interpretation; in other words, the CJEU examines MSs' requirements regarding legal form in light of the objectives pursued by the relevant regulation.

The judgments in the Līga Šenfelde v. Lauku atbalsta dienests[34], Region Wallone, and Karl und Georg Anwander[35] cases concern the discretion enjoyed by MSs in implementing their rural development programs. The general principles of EU law play an important role in limiting the scope of discretionary power[36]. The fact that they

[31] Ibid.

[32] Court of Justice of the European Union, *Anssi Ketelä*, Case C-592/11, judgment of October 25, 2012, ECLI:EU:C:2012:673, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62011CJ0592.

[33] Court of Justice of the European Union, *Dél-Zempléni Nektár Leader Nonprofit kft. v. Vidékfejlesztési miniszter*, Case C-24/13, order of January 16, 2014, ECLI:EU:C:2014:40, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62013CO0024.

[34] Court of Justice of the European Union, *Līga Šenfelde v. Lauku atbalsta dienests*, Case C-119/20, judgment of October 6, 2021, ECLI:EU:C:2021:817, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020CJ0119.

[35] Court of Justice of the European Union, *Karl und Georg Anwander GbR Güterverwaltung v. Land Baden-Württemberg*, Case C-239/23, judgment of October 17, 2024, ECLI:EU:C:2024:888, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0239.

[36] Aude Bouveresse, *Le pouvoir discrétionnaire dans l'ordre juridique communautaire* [*Discretionary*

are not applied in this area confirms that MSs have a very broad margin of discretion with regard to economic decisions concerning rural development programs. This presumably stems from the decentralized nature of rural development. The same conclusion may also apply to the judgment in the Otsa Tau case[37]. Overall, it can be concluded that MSs have relatively broad discretion regarding rural development programs; the general principles and the provisions of the Charter of Fundamental Rights of the EU do not play a significant role in the case law of the CJEU when examining the compatibility of MSs' rural development programs with EU law[38]. The general principles of EU law likely do not apply to these decisions because MSs enjoy broad discretion in this area; furthermore, in the area of agricultural policy objectives, it seems reasonable for the CJEU to examine the scope of MSs' discretion.

3. The Application of Sanctions in the Case Law of the CJEU

We will examine judgments in which, according to the CJEU's interpretation, disproportionately applied sanctions did not meet the conditions set forth by EU law. It is an important consideration, however, that as an obligation that runs counter to the principle of proportionality, MSs are required, within the scope of the CAP, to ensure the effectiveness of payments and the protection of the EU's financial interests.

The judgments delivered in the Gorje and Szemerey cases may be classified among the sanction-related judgments. In the judgment in the Gorje case[39], the CJEU accepted eligibility rules but rejected the disproportionate full withdrawal of aid[40].

However, the MS's legislation, which provides for the withdrawal of the entire aid if some of the expenditure was incurred prior to the decision granting eligibility for the aid, was found to be contrary to the principle of proportionality. In the main proceedings, the municipality of Gorjei received a grant for building restoration, but roof demolition had already begun before the eligibility decision, even though only expenses incurred after that decision are eligible under the regulation. This case is a classic example of the requirement to apply general principles regarding MS measures within the scope of application of atypical regulations.

In the judgment in the Szemerey case[41], the CJEU held that it is not contrary to

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Power in the Community Legal Order] (Brussels: Bruylant, 2010), 257, https://www.leslibraires.ca/livres/le-pouvoir-discretionnaire-dans-l-ordre-aude-bouveresse-9782802727163.html.

[37] Court of Justice of the European Union, *JK Otsa Talu OÜ v. Põllumajanduse Registrite ja Informatsiooni Amet (PRIA)*, Case C-241/07, judgment of June 4, 2009, [2009] ECR I-4323, ECLI:EU:C:2009:337, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62007CJ0241.

[38] Koen Lenaerts and José A. Gutiérrez-Fons, "The Constitutional Allocation of Powers and General Principles of EU Law," *Common Market Law Review* 47, no. 6 (2010): 1629–1669, https://doi.org/10.54648/COLA2010069.

[39] Court of Justice of the European Union, *Občina Gorje v. Republika Slovenija*, Case C-111/15, judgment of July 7, 2016, ECLI:EU:C:2016:532, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62015CJ0111.

[40] Council Regulation (EC) No. 1698/2005 of September 20, 2005, on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), 2005 O.J. (L 277) 1, https://eur-lex.europa.eu/eli/reg/2005/1698/oj/eng.

[41] Court of Justice of the European Union, *Gergely Szemerey v. Miniszterelnökséget vezető miniszter*, Case

the Integrated Administration and Control System and the rules on cross-compliance if national legislation requires that an agricultural producer must, at the same time as submitting an aid application, submit the certificate regarding rare plants that must be provided to become eligible for the requested aid. However, failure to do so does not justify the application of the provision of the relevant regulation concerning so-called "carry-over penalties" or the stricter penalty specified in the regulation.

The judgment in the Baramlay case[42] is one of the decisions that stands out as an exception insofar as general principles do not apply. The relevant regulation[43] allows for the requirement that agricultural activity be pursued as the main occupation to be stipulated as an eligibility criterion for start-up aid for young farmers. As a further question, it was raised whether, in the event of non-compliance with this condition, it is consistent with the relevant regulations that the entire amount of the aid must be repaid, without taking into account the duration of the non-compliance.

Based on the case law described above – namely the Szemerey case and the Gorje case – we can conclude that the general principles of EU law should be applied when imposing sanctions. Some authors point out that the CJEU interprets the principle of proportionality in different, mutually distinguishable ways, and in some areas its interpretation may undermine the very function of this principle, which is to ensure the legitimacy of judicial decisions[44].

According to the CJEU's interpretation in the Baramlay case, Member States may impose additional requirements beyond those in the regulation, including requiring beneficiaries to begin farming as heads of holdings and make farming their main occupation for a set period. However, it is incompatible with the regulation to require full repayment of aid for non-compliance without considering the duration of that non-compliance. In this case, while the national measure itself complied with EU law, the repayment rule did not meet the requirements of the delegated regulation.

In the main proceedings of the judgment in Gunārs Pusts v. Lauku atbalsta dienests[45], the CJEU required full repayment despite compliance with obligations, emphasizing strict procedural requirements. The key issue was whether repayment of agri-environmental aid is compatible with EU law when the producer failed to file the application under national rules but claims to have met the environmental obligations, while verification is impossible due to a one-year delay. The CJEU held that the national legislation was not expressly contrary to the relevant regulations. The relevant EU

C-330/14, judgment of December 17, 2015, ECLI:EU:C:2015:826, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62014CJ0330.

[42] Court of Justice of the European Union, *X v. Agrárminiszter* [Baramlay], Case C-6/23, judgment of April 11, 2024, ECLI:EU:C:2024:294, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0006.

[43] Council Regulation (EC) No. 1698/2005 of September 20, 2005, on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), 2005 O.J. (L 277) 1, https://eur-lex.europa.eu/eli/reg/2005/1698/oj/eng.

[44] Tor-Inge Harbo, "The Function of the Proportionality Principle in EU Law," *European Law Journal* 16, no. 2 (2010): 158–185, https://doi.org/10.1111/j.1468-0386.2009.00502.x.

[45] Court of Justice of the European Union, *Gunārs Pusts v. Lauku atbalsta dienests*, Case C-454/11, judgment of February 7, 2013, ECLI:EU:C:2013:64, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62011CJ0454.

regulations[46] stipulate that, in the case of multi-annual aid, if the annual aid application is not submitted even once during the duration of the agri-environmental project, no aid may be granted. It is clear from the relevant EU legal acts that the obligation to repay applies to the full amount of aid already paid out if even a single condition for the grant of aid, as laid down by the legislation in question, is not met – a point confirmed by the CJEU in its judgment in the Hehenberger case[47].

In the main proceedings of the Peter Hehenberger case, the Court held that refusal of inspection leads to automatic repayment and exclusion. Articles 67 and 69 of Regulation (EC) No 817/2004[48] require that appropriate checks be carried out covering all commitments undertaken by the beneficiary. These provisions expressly stipulate that the application must be rejected if the agricultural producer obstructs the on-site inspection. The CJEU – among other cases – ruled in the Omejc case[49] that obstructing inspections must necessarily entail significant consequences.

According to the CJEU's interpretation, it follows from secondary EU legislation that an agricultural producer is obliged to repay aid that has already been paid out; it further noted that, based on established practice, if the EU legislature sets conditions for the receipt of aid, exclusion from the aid resulting from non-compliance with those conditions does not constitute a sanction, but is simply a consequence of non-compliance with the aid conditions.

Concerning sanctions, the judgment in the Gorje case can be regarded as a decision that follows the "general rule" concerning MSs' implementing measures relating to atypical regulations: a MS may introduce implementing measures through legislation, that is to say, it may require that only works commenced after receipt of the positive decision on the grant be eligible for aid, recognizing, inter alia, that such a measure contributes to the protection of the Union's financial interests. However, the general principle of proportionality required that, in the event of a breach of this rule, not the entire amount of the aid be withheld, but only that portion of it which had been disbursed prior to receipt of the decision granting the aid, provided that the beneficiary had not intentionally made a false statement in the payment request.

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[46] Council Regulation (EC) No. 1257/1999 of May 17, 1999, on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations, 1999 O.J. (L 160) 80, https://eur-lex.europa.eu/eli/reg/1999/1257/oj/eng; Commission Regulation (EC) No. 817/2004 of April 29, 2004, laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF), 2004 O.J. (L 153) 30, https://eur-lex.europa.eu/eli/reg/2004/817/oj/eng.

[47] Court of Justice of the European Union, *Peter Hehenberger v. Republik Österreich*, Case C-188/11, judgment of May 24, 2012, ECLI:EU:C:2012:312, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62011CJ0188.

[48] Commission Regulation (EC) No. 817/2004 of April 29, 2004, laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF), 2004 O.J. (L 153) 30, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004R0817.

[49] Court of Justice of the European Union, *Marija Omejc v. Republika Slovenija*, Case C-536/09, judgment of June 16, 2011, [2011] ECR I-5367, ECLI:EU:C:2011:398, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62009CJ0536.

In the judgment in Baramlay, the MS measures at issue fell within the margin of discretion granted to MSs by the relevant secondary EU legislation, however, in the event of non-compliance with the obligations imposed by the MS – without taking into account the duration of the non-compliance – the repayment of the full amount of the aid did not meet the conditions set forth in the provisions of Delegated Regulation (EU) No 640/2014[50], which, among other things, – required that the severity of the non-compliance and its effects be taken into account.

In the judgment in the Szemerey case, it was not general principles that were applied. It is true that Hungarian legislation included a national implementing measure that met the requirements of EU law; however, the CJEU applied the less severe provision of the relevant EU legislation, contrary to the decision of the Hungarian authorities, which – undoubtedly – could have caused the bankruptcy of an export-oriented agricultural producer.

According to the judgment in the Hehenberger case, the prevention of inspections by an agricultural producer results, under the relevant regulations, in the refusal to pay aid and the repayment of any agri-environmental aid paid up to that point. Preventing an on-site inspection constitutes such a serious violation that the legal consequence – under national legislation – is the most severe sanction, namely, the applicant is required to repay the aid received, loses the right to receive approved but not yet paid aid, and, in the event of non-compliance with the five-year commitment, must repay the aid amount already disbursed during the commitment period. Consequently, the requirements established by the general principles need not be taken into account either. The omission of the examination of general principles in this set of cases – namely, the prevention or rendering impossible of inspections – clearly goes beyond the broad discretion of the EU legislature within the scope of the CAP, a discretion that is widely recognized in case law. In the main proceedings of the judgment in the National Farmers' Union case[51], the agricultural producer in question had, in good faith, overestimated the area of land he used; there was no evidence of bad faith on the part of the producer. Nevertheless, in the application of an EU legal act, very severe sanctions were imposed on the producer. Among other things, the CJEU found the conditions set forth by the general principle of proportionality to be partially acceptable, but held that the EU legislature had not exceeded its powers by imposing deterrent sanctions. It also examined the principle of equal treatment, but the CJEU emphasized that agricultural producers who commit intentional fraud are excluded from receiving aid. Robert Kovár explains that the CJEU controls the discretionary powers of the EU institutions by applying general principles. The judgment in the National

[50] Commission Delegated Regulation (EU) No. 640/2014 of March 11, 2014, supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross-compliance, 2014 O.J. (L 181) 48, https://eur-lex.europa.eu/eli/reg_del/2014/640/oj/eng.

[51] Court of Justice of the European Union, *The Queen v. Ministry of Agriculture, Fisheries and Food and Commissioners of Customs & Excise, ex parte National Farmers' Union and Others*, Case C-157/96, judgment of May 5, 1998, [1998] ECR I-2211, ECLI:EU:C:1998:191, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61996CJ0157.

Farmers' Union case highlights the EU legislator's relatively broad discretion within the scope of the CAP[52].

The very strict case law or exceptional regime established in the Hehenberger case and applied to agricultural producers can be justified in light of the frequent abuses within the scope of the CAP. However, the aftermath of this judgment is by no means so clear-cut.

The judgment in the Gunars Puts case may, however, seem surprising at first glance: an agricultural producer who had voluntarily undertaken agri-environmental commitments was required to repay the full amount of the aid, even in the absence of any intentional failure to comply. The facts of the main proceedings of the judgment in the Gunars Puts case are clearly different from those of the main proceedings of the judgment in the Hehenberger case, in which the agricultural producer in question deliberately obstructed the inspections. Consequently, no clear parallel can be drawn between the underlying facts of the main proceedings of these two judgments; yet the general principles of EU law, including the principle of proportionality, do not apply, and the CJEU did not even examine the applicability of these general principles in its judgments in either the Hehenberger or the Gunars Puts cases. This anomaly may be explained by the judgment in the WQ v. Land Berlin case[53], which does not concern the field of rural development; nevertheless, the Court of Justice of the European Union classifies this decision as falling within the category of cases where inspections were rendered impossible: in the judgment in the WQ vs. Land Berlin case, the CJEU referred to the judgment in the Gunars Puts case, emphasizing the importance of submitting an annual payment claim in order to ensure effective verification of whether the conditions for granting the aid are met. However, no severe sanctions similar to those imposed in the Hehenberger and Gunars Puts cases were imposed in connection with this latter judgment.

In any event, according to the CJEU's interpretation, the Hehenberger formula – namely, that when the EU legislature establishes eligibility criteria for receiving aid, exclusion resulting from non-compliance with those criteria is not a sanction but a reasonable consequence of non-compliance – cannot be regarded as unique. This has been confirmed by case law in numerous decisions, such as in the judgments in the Toeters and Verbeck[54] and Maatschap Schonewielle-Prins[55] cases. Hungarian legal literature also shares the view that exclusion resulting from non-compliance with

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[52] Robert Kovar, "Ordre juridique communautaire: Structure de l'ordre juridique—Sources non écrites—Jurisprudence—Hiérarchie des normes" ["Community Legal Order: Structure of the Legal Order—Unwritten Sources—Case Law—Hierarchy of Norms"], *JurisClasseur Europe Traité*, fasc. 411 (1994), para. 40.

[53] Court of Justice of the European Union, *WQ v. Land Berlin*, Case C-216/19, judgment of December 17, 2020, ECLI:EU:C:2020:1046, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62019CJ0216.

[54] Court of Justice of the European Union, *Maatschap Toeters and M.C. Verberk v. Productschap Vee en Vlees*, Case C-171/03, judgment of November 11, 2004, [2004] ECR I-10945, ECLI:EU:C:2004:714, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62003CJ0171.

[55] Court of Justice of the European Union, *Maatschap Schonewille-Prins v. Minister van Landbouw, Natuur en Voedselkwaliteit*, Case C-45/05, judgment of May 24, 2007, [2007] ECR I-3997, ECLI:EU:C:2007:296, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62005CJ0045.

statutory conditions does not constitute a sanction[56]. There are also differences between the various language versions of the CJEU judgment: The term translated into Hungarian as "sanction" in paragraph 37 of the judgment is "penalty" in English and "sanction" in French; in contrast, the English equivalent of the phrase "az egyszerű következmény" is "merely the consequence," which is "la simple conséquence" in French. Similarly, in Articles 72 and 73 of Commission Regulation (EC) No 817/2004[57], the English equivalent of the Hungarian term "szankció" is penalty, and the French equivalent is sanction.

4. Repayment of Aid Paid Without a Legal Basis or Unlawfully

Aid without a legal basis refers to situations where support is later declared unlawful.

MSs draw up rural development programs, which are approved by the European Commission. These programs can be regarded as MS implementing measures within the scope of atypical regulations, where the European Commission's approval does not confer the status of an EU legal act. It is relatively common for already approved aid to be found unlawful or lacking a legal basis in proceedings before the CJEU. In such cases, a repayment obligation often arises. This also applies to cases in which the agricultural producer undertook certain obligations in exchange for the payments. There may also be cases in which the agricultural producer was not aware of, or could not have been aware of, the relevant legislation.

In this context, it is worth noting the judgment in the Eurzeugerorganisation Tiefkühlgemüse eGen case[58], in which the aid granted to a producer organization for the purchase of food processing equipment – which was disbursed with the knowledge of the MS authorities – was found to be unlawful because it was not implemented at a site exclusively controlled by the applicant producer organization.

As a general rule, MSs have no discretion regarding the repayment of aid paid unlawfully or without legal basis; in other words, the obligation to repay remains. There are similarities between the recovery of State aid and the recovery of unlawfully or

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[56] Tibor Madarász, *A magyar államigazgatási jog alapjai* [*The Fundamentals of Hungarian Administrative Law*], 3rd unchanged ed. (Budapest: Tankönyvkiadó, 1992), 282, https://opac.elte.hu/Record/opac-EUL01-000916219; Marianna Fazekas, ed., *Közigazgatási jog: Általános rész III* [*Administrative Law: General Part III*], 3rd rev. and updated ed. (Budapest: ELTE Eötvös Kiadó, 2023), 284, https://doi.org/10.21862/elteajk.tankonyv.10.iii; László Asztalos, "Szankció és felelősség a polgári jogban" ["Sanctions and Liability in Civil Law"], in *Felelősség és szankció a jogban* [*Liability and Sanctions in Law*], ed. Katalin Gönczöl and László Asztalos (Budapest: Közgazdasági és Jogi Könyvkiadó, 1980), 263-315, https://www.antikvarium.hu/konyv/szilagyi-peter-toth-janos-felelosseg-es-szankcio-a-jogban-438049-0.

[57] Commission Regulation (EC) No. 817/2004 of April 29, 2004, laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF), 2004 O.J. (L 153) 30, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004R0817.

[58] Court of Justice of the European Union, *Erzeugerorganisation Tiefkühlgemüse eGen v. Agrarmarkt Austria*, Case C-516/16, judgment of December 20, 2017, ECLI:EU:C:2017:1011, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62016CJ0516.

unduly paid subsidies within the scope of the application of the CAP[59].

According to settled case law, provisions concerning the Union's assumption of the costs of the Common Agricultural Policy must be interpreted strictly. However, the fact that MSs have no discretion in this area does not mean that the EU principle of legal certainty – which requires that legal entities be aware of their obligations – can be disregarded. A legal entity may invoke the EU principle of legal certainty only if it acted in good faith regarding the legality of the measure. The Union may enforce its right to recovery even where the principle of legal certainty must be taken into account. It should also be noted that the European Commission's approval of a MS program does not confer the status of an EU legal act upon it. In the judgment in the SC Avicarvil Farms SRL case[60], the agricultural producer applied for non-repayable animal welfare aid. Following an audit by the European Court of Auditors, it came to light that the amounts set for the payments were too high, i.e., they were deemed unlawful under the relevant regulations. Even if the European Commission or the authorities of a MS approved aid that was subsequently found to be unlawful or lacking a legal basis, such aid is invalid if it was found to be contrary to the provisions of the underlying secondary EU legislation; economic operators cannot invoke the general principles of legal certainty and legitimate expectations. Article 40(3) of Regulation (EC) No 1698/2005[61] complied with the principle of legal certainty because it clearly and unambiguously defined the additional costs and loss of income covered by animal welfare payments.

As exceptions to the general rule regarding the repayment obligation, it is worth noting the judgments in the Askos[62] and Zamestnik[63] cases, which concern the expropriation of an agricultural holding and the land consolidation of an agricultural holding, respectively. In these judgments, the agricultural producers concerned had entered into voluntary agri-environmental commitments under the EAFRD. Following subsequent changes, they were unable to fulfil these obligations. The relevant legislation will only achieve its objectives if the agri-environmental commitments in

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[59] This approach corresponds with broader EU state aid enforcement practice, where national authorities and courts are required to ensure the effectiveness of Union law and the recovery of unlawful aid, while balancing the principles of legal certainty and legitimate expectations in accordance with the case law of the CJEU, Agnieszka Knade-Plaskacz, "Enforcement of State Aid Law at National Level: The Relationship between National Courts and the European Commission," *Juridical Tribune – Tribuna Juridica* 3, no. 2 (2013): 116–125, https://www.tribunajuridica.eu/arhiva/An3v2/8%20Knade.pdf..

[60] Court of Justice of the European Union, *SC Avicarvil Farms SRL v. Ministerul Agriculturii şi Dezvoltării Rurale, Agenţia pentru Finanţarea Investiţiilor Rurale, Agenţia de Plăţi şi Intervenţie în Agricultură (APIA), and Agenţia de Plăţi şi Intervenţie în Agricultură (APIA)—Centrul Judeţean Vâlcea*, Case C-443/21, judgment of November 17, 2022, ECLI:EU:C:2022:899, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CJ0443.

[61] Council Regulation (EC) No. 1698/2005 of September 20, 2005, on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), 2005 O.J. (L 277) 1, https://eur-lex.europa.eu/eli/reg/2005/1698/oj/eng.

[62] Court of Justice of the European Union, *Askos Properties EOOD v. Zamestnik izpalnitelen direktor na Darzhaven fond "Zemedelie"*, Case C-656/22, judgment of January 18, 2024, ECLI:EU:C:2024:56, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62022CJ0656.

[63] Court of Justice of the European Union, *PV v. Zamestnik izpalnitelen direktor na Darzhaven fond "Zemedelie"*, Case C-343/21, judgment of February 16, 2023, ECLI:EU:C:2023:111, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62021CJ0343.

question remain in place for at least five years on the same land. Otherwise, MSs are subject to a very strict obligation: they have no discretion regarding the repayment of the amounts in question.

In the judgment in the Askos case, the national legislature is given virtually a free hand with regard to the control over positive integration, in contrast to the scope for action in land policy, where the CJEU's case law applies strict scrutiny to national legislation within the context of fundamental economic freedoms. The purpose of these exceptions to repayment is to prevent potential penalties from deterring farmers from voluntarily undertaking agri-environmental commitments[64]. In its judgment in the Zamestnik case, the CJEU defined the concepts of land consolidation and land consolidation measures, which, as things stand, afford MSs considerable discretion in this area[65].

Apart from exceptions regarding repayment, such as the expropriation of agricultural holdings or land consolidation measures, the general principles of legal certainty and legitimate expectations may apply on a case-by-case basis in cases of aid paid unlawfully or without legal basis: however, this case law is very difficult or impossible to systematize[66].

As a general rule, MSs have no discretion regarding the repayment of aid paid unlawfully or without a legal basis. In other words, MSs are not authorized by their domestic legal provisions to be exempted from the obligation to recover such aid. Approval by the European Commission does not confer the status of an EU legal act on MS legislation. The general principles of EU law, such as legal certainty and legitimate expectations, may be applied on a case-by-case basis; the application of which is otherwise conditioned also by MS legislation in many instances: that is, in a significant number of cases, these principles can only be applied if the same principles can also be applied to similar cases under the regulations governing purely internal budgetary subsidies. This is the application of the so-called principle of equal treatment to these situations. In this regard, national legislators play a very important role.

Where, in the case of an economic operator acting in good faith, a subsidy is subsequently found to be unlawful or without legal basis, the EU principles of legal certainty and legitimate expectations cannot take precedence over the clear provisions of an EU legal act. In the case of such decisions, national courts face significant difficulties even when they have taken into account the relevant case law of the CJEU,

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[64] István Temesi and Ágoston Korom, "Lessons Learned from *Askos Properties EOOD* Judgement: Force Majeure, Exceptional Circumstances, Definition of Expropriation of Agricultural Holding in the Scope of EAFRD," *Journal of Agricultural and Environmental Law* 20, no. 38 (2025): 457–473, https://doi.org/10.21029/JAEL.2025.38.457.

[65] István Temesi and Ágoston Korom, "Reparcelling of Agricultural Lands and Reparcelling Measures in the Practice of the CJEU—Lessons Learned from *Zamestik* Judgment," *EU Agrarian Law* 14, no. 1 (2025): 1–8, https://doi.org/10.2478/eual-2025-0001.

[66] Ágoston Korom, "Tagállami végrehajtási hatáskörök gyakorlása a KAP alkalmazási körében: A magyar gyakorlat tükrében" ["The Exercise of Member State Implementing Powers within the Scope of the CAP: In the Light of Hungarian Practice"], in *Ünnepi tanulmányok a 80 éves Máthé Gábor tiszteletére: Labor est etiam ipse voluptas* [*Festive Essays in Honour of Gábor Máthé on His 80th Birthday: Labor est etiam ipse voluptas*], ed. Zsuzsanna Peres and Gábor Bathó (Budapest: Ludovika Egyetemi Kiadó, 2021), 641–656, https://doi.org/10.36250/00984_48.

since the *erga omnes* nature of CJEU judgments is scarcely recognized in this context. In similar cases, national courts often attempt to change the CJEU's case law in the given area, but these efforts are rarely successful. At the same time, the reasoning in the CJEU's judgments is more detailed and carefully crafted in such cases[67]. In her article, Zsófia Tengölics addresses issues related to the transferability of income support entitlements for agricultural producers[68].

5. Materials and Methods

In examining this topic, we primarily reviewed the legislation enacted by the European Union's legislative bodies, the case law of the Court of Justice of the European Union (CJEU) ensuring the uniform application of this body of law, and, to a lesser extent, the laws of the MSs, as well as the legal literature – that is, the relevant academic sources addressing this topic.

The objectives of the Common Agricultural Policy (CAP) enshrined in primary law – such as improving the quality of life for agricultural producers and supplying consumers with agricultural products at fair prices – can, beyond a certain point, only be achieved at the expense of one another[69]. Furthermore, due to the nature of agriculture, rapid decision-making is required in many cases[70]. It follows from this that EU legal acts in the area of the Common Agricultural Policy may be reviewed only in exceptional cases[71]; thus, in the vast majority of cases, the general principles protecting legal entities can be applied only to a limited extent. In decisions regarding aid, the protection of the Union's financial interests takes precedence[72] insofar as the CJEU reviews the legality of rules adopted by the EU legislature. Although there is no formal hierarchy between the paying agencies and the European Commission, case law

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[67] Léa Navel, *L'argument de continuité jurisprudentielle dans la jurisprudence de la Cour de justice de l'Union européenne* [*The Argument of Continuity of Case Law in the Case Law of the Court of Justice of the European Union*] (Brussels: Bruylant, 2021), 210–212, https://www.lgdj.fr/l-argument-de-continuite-jurisprudentielle-dans-la-jurisprudence-de-la-cour-de-justice-de-l-union-europeenne-9782802770169.html.

[68] Zsófia Tengölics, "A mezőgazdasági termelő európai uniós jövedelemtámogatási jogainak forgalomképessége a magyar jogban: Lehetőség, magától értetődő tény vagy nehézség a gazdálkodói rétegnek?" ["The Transferability of European Union Income Support Entitlements of Agricultural Producers under Hungarian Law: An Opportunity, a Self-Evident Fact, or a Challenge for Farmers?"], in *Jogi Tanulmányok 2024*, ed. Marianna Fazekas (Budapest: ELTE Állam- és Jogtudományi Kar, Állam- és Jogtudományi Doktori Iskola, 2024), 10–23, https://doi.org/10.56966/2024.1.Tengolics.

[69] Paul Craig, "The ECJ and Ultra Vires Action: A Conceptual Analysis," *Common Market Law Review* 48, no. 2 (2011): 395–437, https://doi.org/10.54648/COLA2011018.

[70] Cardwell, review of *La politique agricole commune (PAC)*, 416.

[71] Court of Justice of the European Union, *The Queen v. Ministry of Agriculture, Fisheries and Food and Commissioners of Customs & Excise, ex parte National Farmers' Union and Others*, Case C-157/96, judgment of May 5, 1998, [1998] ECR I-2211, ECLI:EU:C:1998:191, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61996CJ0157.

[72] Court of Justice of the European Union, *The Queen v. Ministry of Agriculture, Fisheries and Food and Commissioners of Customs & Excise, ex parte National Farmers' Union and Others*, Case C-157/96, judgment of May 5, 1998, [1998] ECR I-2211, ECLI:EU:C:1998:191, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61996CJ0157.

indicates that the European Commission has very broad powers to impose adverse financial consequences[73].

The case law of the Court of Justice of the European Union reveals significant differences regarding the implementation of EU legal acts by MSs in the context of the Common Agricultural Policy[74] and, in particular, in the area of rural development[75]. In this area, so-called atypical regulations are common; these differ from ordinary regulations in that MSs may or must adopt so-called implementing measures. It is important to note that even the European Commission's approval of these implementing measures does not confer the status of an EU legal act upon them.

MSs' implementing measures must be consistent with the objectives of the relevant EU regulation and with the general principles of EU law[76]. It is important to point out that not only the implementing measures of MSs – that is, their legislation – but also every individual decision made within that framework must comply with the requirements set forth by the general principles of EU law. However, even in the field of rural development, MSs have different degrees of discretion in various cases, and the applicability of the general principles of EU law also varies. The application of these principles differs significantly from continental legal systems, where substantive legal norms take precedence – that is, courts are primarily bound by statutory provisions in their decisions[77]. By contrast, the general principles of EU law are flexible, uncodified, and can be adapted to the needs of the economy where appropriate. The application of these general principles, which may in certain cases override the substantive rules of MSs, prioritizes the interests of economic operators over the protection of the European Union's financial interests in a significant number of cases – in contrast to EU legal acts. In this context, understanding and applying case law poses significant challenges for both administrative bodies and Hungarian courts. At the same time, it should be noted that this is by no means a phenomenon unique to Hungary or Central Europe. It took German and French courts decades to master this case law[78].

Moreover, the case law of the Court of Justice of the European Union shows

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[73] General Court of the European Union, *Italian Republic v. European Commission*, Case T-267/07, judgment of June 7, 2013, ECLI:EU:T:2013:305, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62007TJ0267.

[74] Court of Justice of the European Union, *Viamex Agrar Handels GmbH and Zuchtvieh-Kontor GmbH (ZVK) v. Hauptzollamt Hamburg-Jonas*, Joined Cases C-37/06 and C-58/06, judgment of January 17, 2008, [2008] ECR I-69, ECLI:EU:C:2008:18, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62006CJ0037.

[75] Court of Justice of the European Union, *Assica—Associazione Industriali delle Carni e dei Salumi and Kraft Foods Italia SpA v. Associazione fra produttori per la tutela del "Salame Felino" and Others*, Case C-35/13, judgment of May 8, 2014, ECLI:EU:C:2014:306, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62013CJ0035.

[76] Marek Rzotkiewicz, "Compatibility of the State Aid Recovery Order with the General Principles of EU Law," *Polish Review of International and European Law* 5, no. 1 (2016): 73–121, https://doi.org/10.21697/priel.2016.5.1.03.

[77] Giacomo A. M. Ponzetto and Patricio A. Fernandez, "Case Law versus Statute Law: An Evolutionary Comparison," *The Journal of Legal Studies* 37, no. 2 (2008): 379–430, https://doi.org/10.1086/533421.

[78] Lamprini Xenou, *Les principes généraux du droit de l'Union européenne et la jurisprudence administrative française* [The General Principles of European Union Law and French Administrative Case Law] (Brussels: Bruylant, 2017), 385–95.

significant variations – on a case-by-case basis – even within the scope of application of the EAFRD. After systematising this case law, we concluded that it is worth examining separately the conditions imposed by the MSs, the sanctions, the case law regarding MSs' obligations to recover aid granted without legal basis or unlawfully, as well as other areas such as property rights within the scope of the CAP and the relationship between criminal law and the Common Agricultural Policy. Due to space constraints, this study does not address the aspects of property rights and criminal law.

The essence of the analysis of case law is that the legal principles established by the Court of Justice of the European Union in the given area must be followed by the institutions of the Union, the administrative bodies of the MSs, and, above all, the courts of the MSs hearing the cases. In this paper, we have focused primarily on examining this issue; an examination of Hungarian legal practice may follow in light of these findings.

6. Results

The judgments examined clearly demonstrate that, in a significant number of cases, the case law of the Court of Justice of the European Union must also be taken into account when resolving specific legal disputes. In this context, it is not only necessary to consider that, in cases referred to the CJEU, the national court hearing the case must also render its decision in accordance with the Court of Justice's interpretation of the law. In the preliminary ruling procedure, the national court hearing the case suspends the proceedings and then renders its decision, taking into account the CJEU's interpretation of EU law. The primary purpose of the preliminary ruling procedure is, in fact, to ensure the uniform application of EU law[79]. However, it is by no means an easy task to determine which legal principles – that is, the *ratio decidendi* – apply to the resolution of specific cases, particularly those involving similar circumstances or EU legislation. Determining this requires a very thorough analysis of case law: as we have seen, case law developed in the field of rural development has often been applied to the first pillar, or, in certain areas, the examination of general principles has taken precedence, while in other cases the focus has been on examining the MSs' discretionary powers. In our view, in the area of positive integration – that is, within the scope of the CAP, and particularly in the field of rural development – due to the need to take local economic characteristics into account, the case law of the CJEU can, as a general rule, only be transferred from one decision to another in certain narrow areas and specific cases. However, given the nature of the EU legal order, consistency must prevail in this regard[80]. In this regard, despite changes in the composition of the Court, everything has been arranged so that case law remains consistent, as far as possible.

However, following the systematization of the CJEU's case law on a case-by-

[79] Denys Simon, *Le système juridique communautaire* [The Community Legal System], 3rd ed. (Paris: Presses Universitaires de France [PUF], 2001), 662.
[80] Laure Clément-Wilz, ed., *Le rôle politique de la Cour de justice de l'Union européenne* [The Political Role of the Court of Justice of the European Union] (Brussels: Bruylant, 2019).

case basis, administrative bodies and courts face further difficulties in assimilating it. International research indicates that even courts and legal professionals are not fully familiar with the characteristics of EU law described above: as a result, they often fail to apply it in legal disputes. Nevertheless, a number of legal disputes have been brought before the CJEU from Hungary: in the majority of these cases, agricultural producers and businesses were awarded aid.

Returning to the difficulties in applying the case law of the CJEU in this area, Hungarian legal literature also emphasizes that the best decisions in complex economic cases can be expected when courts are not bound by the letter of the law. Otherwise, if courts are bound by legislation in their decisions, the outcome will be unsatisfactory in 10–15% of cases, since legislation cannot always provide an optimal solution. At the same time, however, we still insist on continental legal systems that courts be bound by legislation in their decisions, since the mainstream view holds that it is easier to find a good legislator than many good judges[81], and thus we are much better off with the latter approach. We believe it is important not to approach the issue of better consideration of this case law from a values-based perspective that would be linked to the disagreements between Hungary and the European Union. In our view, the primary objective of examining the case law of the CJEU and Hungarian case law is to provide legal certainty for economic operators and to ensure access to as many sources of information as possible.

However, in the decisions cited, the discretion of national courts is by no means unlimited. Just as the Court of Justice of the European Union has limited jurisdiction within the scope of the CAP: on the one hand, due to objectives that can be achieved at the expense of one another economically, and on the other hand, due to the requirement for swift intervention that characterizes agriculture. They must, or should, follow the case law established by the CJEU: that is, they should follow the "guiding principles" established by the CJEU within the scope of the discretion granted to MSs in a given area, and they should apply the general principles of EU law in accordance with the guidance established by case law. National courts will play a more significant role in cases – in light of the example provided by the judgment in the Szatmári Malom case – in which the principle of equal treatment, as ordered to be applied by the CJEU, required agricultural conditions to be met, provided that, insofar as the case in question required setting aside a MS's implementing measure that was otherwise in conformity with EU law.

We believe that the judgment in the Szatmári Malom case is easier to understand from an agricultural perspective than from a legal standpoint. One factor contributing to this is that EU law lacks common legal concepts that are universally known and applied, which could simplify the language; furthermore, the CJEU must ensure that these judgments have legal effect *erga omnes*, applicable to all MSs, which further complicates the language used.

[81] Ádám Boóc and István Sándor, *Előadásvázlatok a polgári jog általános tanaiból* [Lecture Outlines on the General Doctrines of Civil Law], 5th rev. and expanded ed. (Budapest: Patrocinium, 2014), 136–37.

7. Conclusions and Recommendations

The most important aspect of the application of the law described above – apart from those cases where case law is limited to examining the discretion of MSs – is the general principles, which are flexible. For this very reason, they will not be codified: they are tailored to resolve specific situations and take economic circumstances into account. Given the nature of the preliminary ruling procedure, we can only examine cases that have reached the CJEU, such as the judgment in the Szemerey case. A producer operating under organic farming methods argued that the sanctions were incompatible with EU law. The Curia also rejected his petition, even though, under the so-called *acte claire* doctrine[82], a MS court of last instance is required – with a few exceptions – to refer the matter to the CJEU. Ultimately, through a retrial in a rural court, the case was successfully brought before the CJEU; had this not happened, it would likely have led to the bankruptcy of the export-oriented company. Hungarian higher courts play a guiding role in case law: in this context, it is worth mentioning the judgment in the Pontini case, in which both the MS's implementing measure and every individual decision made in this regard must be examined in light of the general principles and the relevant regulation. However, the Curia's case law has carefully "weeded out" this latter obligation[83], likely out of concern that lower courts – by overriding substantive legal rules – would be unable to render appropriate judgments.

It must be emphasized that taking this case law into account requires significantly more time, even with proper preparation, than simply applying the substantive legal rules. Judicial practice is not prepared for a situation in which, for example, a criminal court would delve into the case law developed regarding the scope of application of the CAP and, in applying it, might override the relevant criminal law provisions in a given case.

Nevertheless, it is worthwhile to explore and systematize, as a starting point, the Luxembourg case law on a case-by-case basis, while also involving agricultural and economic stakeholders in the research. Then, the decisions of Hungarian courts and administrative bodies, as well as the legislative process, may come under scrutiny. Although the application of the CJEU's case law does not primarily, or not exclusively, set forth "expectations" for the legislature, it may be appropriate – where necessary – to make significant changes even in this area. It is worth involving economic operators and agricultural producers at this stage, with a particular focus on whether there were cases in which the proper application of CJEU case law would have resulted in a more favorable outcome for them.

In this context, it is worth examining separately the following aspects within the scope of the EAFRD: aid paid without a legal basis or unlawfully; the conditions and sanctions imposed by MSs; property rights; and any criminal law implications. Situations in which it is not general principles but the MSs' discretion that must be

[82] Morten Broberg and Niels Fenger, "L'application de la doctrine de l'acte clair par les juridictions des États membres" ["The Application of the *Acte Clair* Doctrine by the Courts of the Member States"], *Revue trimestrielle de droit européen* 46, no. 4 (2010): 861–84.
[83] Korom, "Tagállami végrehajtási hatáskörök gyakorlása," 645.

examined should also be resolved from a strictly economic perspective: can assets acquired under MSs' rural development programs and the EAFRD – such as a sailboat used to support traditional tourism – be leased out, or can equipment intended for agricultural food processing (such as a spinach freezing facility) be operated at another economic operator's premises? Further research is needed to answer these questions. Given the complexity of this field, we regard this paper merely as a preliminary exploration of the issues.

Bibliography

1. Ahmad, Muhammad Shakil, and Noraini Bt. Abu Talib. "Decentralization and Participatory Rural Development: A Literature Review." *Contemporary Economics* 5, no. 4 (2011): 58–67. https://doi.org/10.5709/ce.1897-9254.28.
2. Asztalos, László. "Szankció és felelősség a polgári jogban" ["Sanctions and Liability in Civil Law"]. In *Felelősség és szankció a jogban* [Liability and Sanctions in Law], edited by Katalin Gönczöl and László Asztalos, 263–315. Budapest: Közgazdasági és Jogi Könyvkiadó, 1980. https://www.antikvarium.hu/konyv/szilagyi-peter-toth-janos-felelosseg-es-szankcio-a-jogban-438049-0.
3. Bandlerová, Anna, and Jarmila Lazíková. "Land Lease Contract and Prior Right of Lessee to Concluding the New Land Lease Contract—Case of Slovakia." *Juridical Tribune – Tribuna Juridica* 6, no. 2 (2016): 304–20. https://www.tribunajuridica.eu/arhiva/An6v22/23%20Bandlerova.pdf.
4. Baratta, Roberto. "Complexity of EU Law in the Domestic Implementing Process." *The Theory and Practice of Legislation* 2, no. 3 (2014): 293–308. https://doi.org/10.5235/2050-8840.2.3.293.
5. Boóc, Ádám, and István Sándor. *Előadásvázlatok a polgári jog általános tanaiból* [Lecture Outlines on the General Doctrines of Civil Law]. 5th rev. and expanded ed. Budapest: Patrocinium, 2014.
6. Bouveresse, Aude. *Le pouvoir discrétionnaire dans l'ordre juridique communautaire* [Discretionary Power in the Community Legal Order]. Brussels: Bruylant, 2010. https://www.leslibraires.ca/livres/le-pouvoir-discretionnaire-dans-l-ordre-aude-bouveresse-9782802727163.html.
7. Broberg, Morten, and Niels Fenger. "L'application de la doctrine de l'acte clair par les juridictions des États membres" ["The Application of the Acte Clair Doctrine by the Courts of the Member States"]. *Revue trimestrielle de droit européen* 46, no. 4 (2010): 861–84.
8. Cardwell, Michael. Review of *La politique agricole commune (PAC)—Toute la PAC, rien d'autre que la PAC*, by Danièle Bianchi. *European Law Journal* 15, no. 3 (2009): 414–17. https://doi.org/10.1111/j.1468-0386.2009.00468_2.x.
9. Clément-Wilz, Laure, ed. *Le rôle politique de la Cour de justice de l'Union européenne* [The Political Role of the Court of Justice of the European Union]. Brussels: Bruylant, 2018.
10. Commission Delegated Regulation (EU) No. 640/2014 of 11 March 2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support, and cross-compliance. 2014 O.J. (L 181) 48. https://eur-lex.europa.eu/eli/reg_del/2014/640/oj/eng.

11. Commission Regulation (EC) No. 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD). 2006 O.J. (L 368) 15. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006R1974.
12. Commission Regulation (EC) No. 817/2004 of 29 April 2004 laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF). 2004 O.J. (L 153) 30. https://eur-lex.europa.eu/eli/reg/2004/817/oj/eng.
13. Council Regulation (EC) No. 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations. 1999 O.J. (L 160) 80. https://eur-lex.europa.eu/eli/reg/1999/1257/oj/eng.
14. Council Regulation (EC) No. 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD). 2005 O.J. (L 277) 1. https://eur-lex.europa.eu/eli/reg/2005/1698/oj/eng.
15. Craig, Paul. "The ECJ and Ultra Vires Action: A Conceptual Analysis." *Common Market Law Review* 48, no. 2 (2011): 395–437. https://doi.org/10.54648/COLA2011018.
16. Dougan, Michael. "Judicial Review of Member State Action under the General Principles and the Charter: Defining the 'Scope of Union Law.'" *Common Market Law Review* 52, no. 5 (2015): 1201–46. https://doi.org/10.54648/COLA2015102.
17. Fazekas, Marianna, ed. *Közigazgatási jog: Általános rész III* [Administrative Law: General Part III]. 3rd rev. and updated ed. Budapest: ELTE Eötvös Kiadó, 2023. https://doi.org/10.21862/elteajk.tankonyv.10.iii.
18. Harbo, Tor-Inge. "The Function of the Proportionality Principle in EU Law." *European Law Journal* 16, no. 2 (2010): 158–85. https://doi.org/10.1111/j.1468-0386.2009.00502.x.
19. Knade-Plaskacz, Agnieszka. "Enforcement of State Aid Law at National Level: The Relationship between National Courts and the European Commission." *Juridical Tribune – Tribuna Juridica* 3, no. 2 (2013): 116–25. https://www.tribunajuridica.eu/arhiva/An3v2/8%20Knade.pdf.
20. Korom, Ágoston. "Tagállami végrehajtási hatáskörök gyakorlása a KAP alkalmazási körében a magyar gyakorlat tükrében" ["The Exercise of Member State Implementing Powers within the Scope of the CAP: In Light of Hungarian Practice"]. In *Labor est etiam ipse voluptas: Ünnepi tanulmányok a 80 éves Máthé Gábor tiszteletére* [Labor Est Etiam Ipse Voluptas: Festive Essays in Honor of Gábor Máthé on His 80th Birthday], edited by Zsuzsanna Peres and Gábor Bathó, 641–56. Budapest: Ludovika Egyetemi Kiadó, 2021. https://doi.org/10.36250/00984_48.
21. Kovar, Robert. "Ordre juridique communautaire: Structure de l'ordre juridique—Sources non écrites—Jurisprudence—Hiérarchie des normes" ["Community Legal Order: Structure of the Legal Order—Unwritten Sources—Case Law—Hierarchy of Norms"]. *JurisClasseur Europe Traité*, fasc. 411 (1994).
22. Lazíková, Jarmila, and Anna Bandlerová. "Land Lease in Slovakia in the Light of the New Legal Regulations." *Przegląd Prawa Rolnego*, no. 1 (30) (2022): 125–43. https://doi.org/10.14746/ppr.2022.30.1.9.
23. Lenaerts, Koen, and José A. Gutiérrez-Fons. "The Constitutional Allocation of Powers and General Principles of EU Law." *Common Market Law Review* 47, no. 6 (2010): 1629–69. https://doi.org/10.54648/COLA2010069.

24. Madarász, Tibor. *A magyar államigazgatási jog alapjai* [The Fundamentals of Hungarian Administrative Law]. 3rd unchanged ed. Budapest: Tankönyvkiadó, 1992. https://opac.elte.hu/Record/opac-EUL01-000916219.
25. McMahon, Joseph A. *EU Agricultural Law and Policy*. Cheltenham, UK: Edward Elgar Publishing, 2019. https://doi.org/10.4337/9781781002551.
26. Mudalige, Priyantha W. "The Discussion of Theory and Practice on Decentralization and Service Delivery." *European Scientific Journal* 15, no. 14 (2019): 115–35. https://doi.org/10.19044/esj.2019.v15n14p115.
27. Navel, Léa. *L'argument de continuité jurisprudentielle dans la jurisprudence de la Cour de justice de l'Union européenne* [The Argument of Continuity of Case Law in the Case Law of the Court of Justice of the European Union]. Brussels: Bruylant, 2021. https://www.lgdj.fr/l-argument-de-continuite-jurisprudentielle-dans-la-jurisprudence-de-la-cour-de-justice-de-l-union-europeenne-9782802770169.html.
28. Olajos, István. *A vidékfejlesztési jog kialakulása és története* [The Development and History of Rural Development Law]. CEDR Agrár- és Környezetjogi Monográfiák 2. Miskolc: Novotni Alapítvány, 2008. https://real.mtak.hu/91675/.
29. Ponzetto, Giacomo A. M., and Patricio A. Fernandez. "Case Law versus Statute Law: An Evolutionary Comparison." *The Journal of Legal Studies* 37, no. 2 (2008): 379–430. https://doi.org/10.1086/533421.
30. Regulation (EU) No. 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No. 1698/2005. 2013 O.J. (L 347) 487. https://eur-lex.europa.eu/eli/reg/2013/1305/oj/eng.
31. Rzotkiewicz, Marek. "Compatibility of the State Aid Recovery Order with the General Principles of EU Law." *Polish Review of International and European Law* 5, no. 1 (2016): 73–121. https://doi.org/10.21697/priel.2016.5.1.03.
32. Simon, Denys. *Le système juridique communautaire* [The Community Legal System]. 3rd ed. Paris: Presses Universitaires de France, 2001.
33. Temesi, István, and Ágoston Korom. "Lessons Learned from Askos Properties EOOD Judgement: Force Majeure, Exceptional Circumstances, Definition of Expropriation of Agricultural Holding in the Scope of EAFRD." *Journal of Agricultural and Environmental Law* 20, no. 38 (2025): 457–73. https://doi.org/10.21029/JAEL.2025.38.457.
34. Temesi, István, and Ágoston Korom. "Reparcelling of Agricultural Lands and Reparcelling Measures in the Practice of the CJEU—Lessons Learned from Zamestik Judgment." *EU Agrarian Law* 14, no. 1 (2025): 1–8. https://doi.org/10.2478/eual-2025-0001.
35. Tengölics, Zsófia. "A mezőgazdasági termelő európai uniós jövedelemtámogatási jogainak forgalomképessége a magyar jogban: Lehetőség, magától értetődő tény vagy nehézség a gazdálkodói rétegnek?" ["The Transferability of European Union Income Support Entitlements of Agricultural Producers under Hungarian Law: An Opportunity, a Self-Evident Fact, or a Challenge for Farmers?"]. In *Jogi Tanulmányok 2024*, edited by Marianna Fazekas, 10–23. Budapest: ELTE Állam- és Jogtudományi Kar, Állam- és Jogtudományi Doktori Iskola, 2024. https://doi.org/10.56966/2024.1.Tengolics.
36. Xenou, Lamprini. *Les principes généraux du droit de l'Union européenne et la jurisprudence administrative française* [The General Principles of European Union Law and French Administrative Case Law]. Brussels: Bruylant, 2017.