EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

# DECISION

Application no. 35610/22
BK1 and Others
against Hungary

The European Court of Human Rights (Second Section), sitting on 30 September 2025 as a Chamber composed of:

Arnfinn Bårdsen*, President*,
Jovan Ilievski,
Péter Paczolay,
Oddný Mjöll Arnardóttir,
Gediminas Sagatys,
Stéphane Pisani,
Juha Lavapuro*, judges*,

and Hasan Bakırcı, *Section Registrar,*

Having regard to the above application lodged on 13 July 2022,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

## THE FACTS

1. A list of the applicants is set out in the appendix.

2. The Hungarian Government were represented by their Agent, Mr Z. Tallódi, of the Ministry of Justice.

3. The facts of the case may be summarised as follows.

4. On 11 March 2020 a state of danger (*veszélyhelyzet*) was declared in Hungary in relation to the COVID-19 pandemic. On 25 May 2022 the Government prolonged the state of danger – this time prompted by the war in Ukraine.

5. On 15 November 2021 there entered into force Government Decree no. 624/2021 on the application of Act no. LXXXVII of 1990 on price setting during a state of danger (see paragraph 11 below). This decree set a cap on the retail price of Eurosuper 95 petrol and diesel fuel at 480 Hungarian forints

((HUF) – approximately 1.32 euros (EUR) at the material time) per litre initially for a period of three months. Government Decree no. 626/2021 – which laid down detailed rules for the implementation of Government Decree no. 624/2021 – entered into force on the same day (see paragraph 12 below) (Government Decree no. 624/2021 and Government Decree no. 626/2021 together "the Government Decrees").

6. The measure was subsequently codified by Act no. CXXX of 2021, which entered into force on 1 January 2022.

7. The price cap was reviewed and successively prolonged on several occasions. From 30 July 2022, it applied only to passenger cars bearing Hungarian registration plates, agricultural vehicles and taxis.

8. On 13 July 2022 the applicants lodged a constitutional complaint challenging the constitutionality of the above-mentioned Government Decrees and of Act no. CXXX of 2021.

9. On 6 December 2022 Government Decree no. 494/2022. terminated the application of the regulated price scheme.

10. On 31 January 2023 the Constitutional Court discontinued the proceedings instituted by the applicants on the grounds that the impugned provisions were no longer in force, and no measures had been taken or proceedings initiated against any of the applicants in respect of the application of those provisions.

## RELEVANT LEGAL FRAMEWORK

11. Government Decree no. 624/2021. (XI. 11.) on the application of Act no. LXXXVII of 1990 on price setting in a state of danger reads as follows:

> "The Government,
>
> acting within its original legislative power (as laid down in Article 53 § 2 of the Fundamental Law", [and] having regard to section 51/A of Act no. CXXVIII of 2011 on disaster management and amending certain related Acts,
>
> acting, with respect to section 3 – within its original legislative power, as laid down by Article 53 § 3 of the Fundamental Law – on the basis of an authorisation [issued] by the National Assembly pursuant to section 2(1) of Act no. I of 2021 on the containment of the coronavirus pandemic,
>
> acting within its function, as laid down in Article 15 § 1 of the Fundamental Law, decrees as follows:
>
> Section 1(1) For three months from the entry into force of this Decree – in addition to the products specified in the table under point I A) of the Annex to Act no. LXXXVII of 1990 on price setting –a statutory price shall be set for the following products:
>
> a) grade ESZ-95 petrol, as defined in standard MSZ-EN 228, which does not meet the quality requirements for grade ESZ-98,f
>
> b) diesel fuel falling under CN code 2710 20 11, as defined in standard MSZ-EN 590,

the maximum gross retail price of which (including biocomponents and additives in accordance with the relevant standards) shall be HUF 480 per litre.

(2) No further costs or fees shall be charged when selling a product under paragraph (1).

Section 2(1) ... [T]his Decree shall enter into force on 15 November 2021.

...."

12. The relevant parts of Government Decree no. 626/2021. (XI. 13.) read as follows:

"Section 2 ... (3) The operator of a petrol station shall be obliged to [close that petrol station] if it is unable – over seven days (during [normal] working hours) for a total period of forty-eight hours – to supply consumers with the products referred to in section 1(1) or (2) of [Government Decree no. 624/2021. The petrol station operator may not [be closed] for any other reason.

(4) No other commercial activity may be carried on at [such a] service station during the closure period.

(5) The operator of a service station shall notify the [relevant] minister and the National Tax and Customs Administration in writing without delay (but no later than twenty-four hours) if the service station declares a shutdown under paragraph (3).

(6) A service station shall not operate shorter opening hours than the normal opening hours of the operator. Where the normal opening hours of the service station cannot be established, the opening hours of the service station shall be those set out in the licence."

13. The relevant provisions of Government Decree no. 84/2022. (III. 5.) on the Support of Small Petrol Refuelling Stations in Order to Guarantee Security of Supply in Rural Areas provide as follows:

"Section 1(1) The provisions of this section shall apply to a credit and loan contract and to a financial lease contract made between a creditor – within the meaning of Act no. CVII of 2020 on Transitional Measures to Stabilise the Situation of Certain Priority Social Groups and Undertakings in Financial Difficulty (hereinafter "Act no. CVII of 2020") – and a petrol station operator distributing a controlled price product covered by Subtitle 28 of Act of 2021 on Certain Regulatory Issues Related to the State of Danger (hereinafter Act no. CXXX of 2021) who does not announce an outage [who] operates not more than fifty petrol stations, with an annual net turnover from the sale of fuel not exceeding HUF 50 billion in 2021 (hereinafter 'petrol station operator'), as a debtor.

(2) The obligation of a petrol station operator to pay the principal [of a loan], interest and charges arising from a contract provided on a commercial basis by the creditor shall be modified by 30 June 2023 so that the petrol station operator may avail [himself] of a moratorium on the payment of the principal [of the loan], interest and charges arising from the contract, provided that the petrol station operator has requested [such a moratorium] in writing from the creditor before the day of the entry into force of Government Decree no. 494/2022 (XII. 6.) on Certain Provisions Relating to Fuel Prices Taken Because of the Entry into Force of the EU Sanctions (hereinafter "the Amending Government Decree").

...

Section 2(1) A petrol station operator's paying agent may reduce its tax liability arising for the months of February, March, April, May, June, July, August, September, October, November and December 2022 under Act no. LII of 2018 on Social Contribution Tax (hereinafter 'Social Contribution Tax Act') by paying social contribution tax on the income of not more than four persons ... employed at a petrol station, this constituting taxable income under section 1(1) of the Social Contribution Tax Act.

(2) A petrol station operator's paying agent, as specified in section (1)(1) ..., [who is] obliged to pay a rehabilitation contribution under Act no. CXCI of 2011 on Benefits for Persons with Changed Working Capacity and Amending Certain Acts – shall be exempted from the obligation to pay the contribution in 2022, provided that the payer does not pay an advance on the rehabilitation contribution for 2022.

...

Section 3 Owing to the state of danger, Government Decree no. 816/2021 (XII. 28.) on Derogation from the Rules of Act no. LXVII of 2008 on the Increase in the Competitiveness of Communal Heating shall not apply in 2022.

Section 4(1) The landlord shall not claim from the tenant any part of the rent for the months of March, April, May, June, July, August, September, October, November and December 2022 under a lease contract for premises owned by

a) the State or a [unit of] local government, or

b) a company under the majority control of the State or a [unit of] local government,

if the tenant is a petrol station operator and the premises are occupied by a petrol station.

(2) Until 31 December 2022, the lessor shall not unilaterally modify or terminate a lease contract between

a) the State or a [unit of] local government, or

b) a company controlled by the State or a [unit of] local government

and a petrol station operator. *

Section 5(1) The measures specified under section 2(1)-(3) and section 4(1) involve State aid within the meaning of Article 107 § 1 of the Treaty on the Functioning of the European Union. Such support may be granted to undertakings whose activities are adversely affected by the economic effects of the war as aid within the meaning of point 2.1. of Commission Communication No. 2022/C 131 I/01 of 2022/C 131 I/01 (hereinafter 'temporary aid') entitled "Temporary Crisis Framework for State Aid Measures to Support the Economy following Russia's Aggression against Ukraine" (hereinafter 'the Communication'), following the adoption by the Commission of a decision approving the aid plan set out in this Subtitle. The undertaking shall declare its exposure before [temporary] aid is granted.

(2) A decision on the granting of temporary aid may be taken [at any time] up until 31 December 2022.

...

(6) The amount of temporary aid [granted] ... shall not exceed HUF 500,000 per enterprise (taking into account the undertaking's affiliated undertakings].

(7) All documents relating to the [granting of] temporary aid shall be kept for ten years after the granting of such aid.

...

Section 7 Retail traders selling transport fuel to final consumers under Act No. LVII of 2015 on Energy Efficiency shall be exempted from the obligation to fulfil 83% of the energy saving obligation established in the decision of the Hungarian Energy and Utility Regulatory Office for the year 2022 ...

...

Section 10 The eligibility conditions for the benefits specified in section 2 (as in force on the day before the entry into force of the Amending Government Decree, and [which became] available after the entry into force of the Amending Government Decree) are that petrol station operators' paying agents must fulfil their obligation to pay wages under the employment contracts already effective as at the entry into force of the Amending Government Decree and not terminate employment contracts (by giving notice under section 64(1)(b) of Act No. I of 2012 of the Labour Code) from the entry into force of the Amending Government Decree until 1 January 2023."

14. Government Decree 1117/2022. (III. 5.) on Supporting Small Petrol Stations in order to Guarantee the Security of Supply in Rural Areas reads as follows:

"The government

1. agrees that, in order to guarantee the security of supply, it is necessary to grant aid that is proportionate to turnover to undertakings [i] operating not more than fifty petrol stations, [ii] with an annual net turnover from the sale of fuel not exceeding HUF 50,000,000,000 in 2021;

2. in order to achieve the objective set out in section 1

(a) calls on the Minister for Culture and Innovation to ensure that aid proportionate to turnover (hereinafter 'aid') shall be granted as follows:

aa) the aid is [to be] available for seven months – March, April, May, June, July, August and September 2022,

(ab) the aid is based on 80% of the total quantity of fuel sold by the undertaking in March, April, May, June, July, August and September 2021,

(ac) if a petrol station starts its operations after 1 March 2021, the [monthly] aid [payment] shall be based ... on 80% of the average monthly sale of fuel in 2021, multiplied by seven,

(ad) the amount of the aid is fixed at HUF 20 per litre, and

(ae) the aid shall be paid in the form of an advance, upon an application lodged by the undertaking [in question];

..."

# COMPLAINT

15. The applicants complained that the capping of fuel prices had violated their property rights, as guaranteed in Article 1 of Protocol No. 1 to the Convention.

# THE LAW

## A. Preliminary remark

16. In their observations, the applicants' representative informed the Court that the fifteenth applicant, BK15, had terminated its contract with the representative's law office, which was thus no longer representing that applicant in the proceedings before the Court.

17. The Court notes that the fifteenth applicant never informed the Court that it would be represented by another lawyer, and it did not seek leave to represent itself in line with Rule 36 of the Rules of Court. Nor has the Court ever received observations from that particular applicant, or any claims for just satisfaction.

18. Given those circumstances, the Court concludes that the fifteenth applicant must have lost interest in pursuing the application and that its case should therefore be struck out of the Court's list of cases, in accordance with Article 37 § 1 (c) of the Convention.

## B. Alleged violation of Article 1 of Protocol No. 1 to the Convention

19. The applicants complained that the capping of fuel prices had violated their property rights – as guaranteed in Article 1 of Protocol No. 1 to the Convention, which reads as follows:

> "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
>
> The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

### *1. The parties' submissions*

#### (a) The Government

20. The Government firstly submitted that the applicants had failed to exhaust the available effective domestic remedies in that they had never brought a civil action (under sections 6:519-6:534 of Act No. V of 213 of the Civil Code and under Act No. CXXX of 2016 on the Code of Civil Procedure)

against the State for compensation for damage caused to them by the impugned legislation.

21. The Government further maintained that the interference with the applicants' property rights had been in the public interest, and had been lawful and proportionate. They explained that, owing to economic difficulties caused by the COVID-19 pandemic (and the related disruptions in global supply chains and the record-high world market energy prices), there had been significant and accelerating increases in fuel prices in Hungary, beginning in November 2021. In order to tame the inflation and to prevent any resultant socio-economic crisis – as well as to ensure the balance of the social welfare system – the State had had to take action by setting (and keeping) the maximum retail price of unleaded Eurosuper 95 petrol and of diesel oil at the levels that they had been before the significant price increases.

22. The Government argued that in a situation of greater than average economic hardship and danger, it had been justified for the State to take unusual measures in order to enforce the interests of society as a whole including the imposition of temporary restriction on certain fundamental rights of individuals, as long as they remained proportionate. At the same time, in the case of legislation to be enacted during a period of a state of danger, the assessment of what constituted sufficient preparation time differed from that carried under normal legal conditions.

23. The Government submitted that the impugned regulation had been introduced on a temporary basis and only in respect of two fuel types. Those products had been selected on the basis of the needs of domestic consumers; moreover, the regulation had been aimed at protecting families and the most vulnerable members of the population. Given that the State had interfered in the fuel market, the application of the regulated fuel prices scheme and its effectiveness had been regularly reviewed, and had ultimately been maintained until 7 December 2022 in the light of the continued rise in energy prices, the outbreak of the war in Ukraine (which had further destabilised the energy market) and the resultant weakening of the national currency.

24. The legislation had been non-discriminatory in that it had imposed the same obligation on all retailers distributing essential fuels covered by the Government Decrees. Given that the adverse consequences of the measures aimed at counteracting the rising inflation had affected all members of society – and in line with the constitutional principle of solidarity with the community – the capping of prices (at which the applicants and other fuel retailers had been obliged to sell fuel under its wholesale purchase price) had constituted a form of a special public burden that had not become disproportionate. Moreover, by virtue of their economic activity and the fact that they had enjoyed a more stable position in terms of burden-bearing capacities than consumers, fuel retailers such as the applicants had been able to cushion the effects of the regulation on their financial results by freely setting the prices

of other products (including other fuel types) which had not been covered by the regulated pricing scheme.

25. The Government submitted that, in order to address the operational difficulties of the smallest fuel retailers and to ensure the continued functioning of the market, the legislature had subsequently provided compensatory support to the smallest operators in the form of reductions to their social security and healthcare contributions and tax liabilities and had introduced a favourable loan scheme. Under the scheme (entitled "Aid to small petrol stations operating not more than fifty commercial refuelling stations, granted in proportion to turnover"), 577 beneficiaries operating small petrol stations had received HUF 17.3 billion (approximately EUR 46.7 million) in aid.

26. Lastly, the Government noted that the documents/tax returns submitted by the applicants revealed that, contrary to their assertions that they had realised losses on the purchasing and selling price of fuel, they had still realised a significant amount of profit before taxation. Those documents/tax returns also showed that the applicants had been adequately compensated by the compensatory measures introduced by the Government.

**(b) The applicants**

27. The applicants submitted that a prerequisite for their bringing a civil action (as referred to by the Government – see paragraph 22 above) was that the Constitutional Court either annul the relevant Act (owing to the fact that it breached the Fundamental Law) or declare that that Act had violated the Fundamental Law. Since neither of these courses of action had been carried out in the present case, any civil action for damages against the State would have been doomed to failure.

28. The applicants further argued that the interference with their property rights had been unforeseeable and therefore unlawful. The relevant legislation had allowed very little time for preparation. It had also lacked a legitimate aim, as it had not constituted an adequate response to challenges represented by the COVID-19 pandemic or the war in Ukraine. In any event, no state of danger could justify a complete lack of protection against such an arbitrary interference on the part of the authorities.

29. The applicants maintained that the impugned measure had also not been necessary in a democratic society. The regulation of market prices – constituting as it did a drastic measure – was suitable as a means of decreasing inflation only if introduced temporarily, whereas the impugned measure had remained in force for thirteen months and had ultimately proved ineffective: the inflation rate in November 2021 had been 7.4%, whereas in October 2022 it had risen to 21.1% – with the president of the National Bank of Hungary admitting that the fuel price cap had resulted in a 3-4% rise in the inflation rate.

30. The applicant further pointed out that petrol stations that had been unable to supply the essential fuels for a period of forty-eight hours over seven days had had to shut down and had risked being taken over by another supplier. Moreover, the impugned legislation had also provided for disproportionately high fines in the event of non-compliance with the provisions concerning the regulated fuel prices; no appeal was possible against such fines.

31. At the same time, the applicants claimed that they had suffered significant pecuniary damage since they had been forced to operate at a loss for more than a year because the wholesale price that they had paid for fuel from their suppliers had been identical to the maximum retail price set by the legislation, and because they had insufficient petrol for sale which further reduced their income. In that connection, thirty-three of the forty-eight applicant companies claimed to have suffered financial losses ranging from HUF 100,000 to HUF 1.3 billion (approximately EUR 250 to EUR 3,400,000). They mainly based their calculations on the profit they had made during previous periods (when fuel prices were not regulated) multiplied by the number of litres of petrol they had actually sold during the period of capped prices when their profit margins were reduced. The also added losses caused by the alleged lack of sufficient amounts of fuel to sell, comparing the sold amount with previous years, and other extraordinary costs (such as transportation fees, lost contracts, decreased turnover in subsequent periods etc.). The applicants had also been unable to make up any of those losses by selling other (unregulated) fuel or any other products sold at petrol stations, as many of them had been small-sized enterprises who had sold only those fuels whose prices had been regulated.

32. Finally, although some of the applicants had benefited from the subsidies made available by the State, the various types of aid had only been compensatory in theory. Relief on tax and contribution reductions had been unsuitable as a means of stabilising the applicants' economic situation, as they had been introduced late and had only applied for limited periods of time, whereas the loan programmes on offer had involved repayment obligations that had had the effect of reducing any profit that the applicants may have realised after the abolishing of the price cap.

*2. The Court's assessment*

33. The Court does not consider it necessary to decide on the question of exhaustion of domestic remedies, since the present case is in any event inadmissible for the reasons set out below.

34. As the Court has stated on many occasions, Article 1 of Protocol No. 1 comprises three rules: the first rule, set out in the first sentence of the first paragraph, is of a general nature and enunciates the principle of the peaceful enjoyment of property; the second rule, contained in the second sentence of the first paragraph, covers the deprivation of property and subjects it to

conditions; the third rule, stated in the second paragraph, recognises that the States are entitled, among other things, to control the use of property in accordance with the general interest. The second and third rules, which are concerned with particular instances of interference with the right to peaceful enjoyment of property, must be read in the light of the general principle laid down in the first rule (see, among other authorities, *Lekić v. Slovenia* [GC], no. 36480/07, § 92, 11 December 2018, and the cases cited therein).

35. The Court considers that the impugned measure, namely, the capping of retail prices for certain essential fuels, should be examined under the second paragraph of Article 1 of Protocol No. 1, which, among other things, permits States to control the use of property in accordance with the general interest (see *Könyv-Tár Kft and Others v. Hungary*, no. 21623/13, § 43, 16 October 2018).

**(a) Existence of an interference**

36. In the present case, the Court notes, and it is undisputed between the parties, that the imposition of a price cap on certain essential fuels constituted a clear interference with the applicants' economic freedom and their right to the peaceful enjoyment of their possessions, as it deprived them of the ability to adjust prices in accordance with market dynamics (see, *mutatis mutandis*, *Bittó and Others v. Slovakia*, no. 30255/09, § 101, 28 January 2014).

37. In order to be compatible with Article 1 of Protocol No. 1, a measure of interference must fulfil three basic conditions: (i) it must be carried out "subject to the conditions provided for by law" (see *Da Conceição Mateus and Santos Januário v. Portugal* (dec.), nos. 62235/12 and 57725/12, § 20, 8 October 2013), which excludes any arbitrary action on the part of the national authorities; (ii) it must be "in the public interest"; and (iii) it must strike a fair balance between the owner's rights and the interests of the community (see *Vistiņš and Perepjolkins v. Latvia* [GC], no. 71243/01, § 94, 25 October 2012, and *Bittó and Others*, cited above, § 97).

**(b) Lawfulness and public interest**

38. The Court notes the parties' partly diverging views as to the lawfulness and purpose of the interference.

39. It reiterates in this connection that any interference by a public authority with the peaceful enjoyment of possessions can only be justified if it serves a legitimate public (or general) interest. Because of their direct knowledge of their society and its needs, the national authorities are in principle better placed than an international judge to decide what is "in the public interest". Under the system of protection established by the Convention, it is thus for the national authorities to make the initial assessment as to the existence of a problem of public concern warranting measures interfering with the peaceful enjoyment of possessions. The Court

finds it natural that the margin of appreciation available to the legislature in implementing social and economic policies should be a wide one and will respect the legislature's judgment as to what is "in the public interest", unless that judgment is manifestly without reasonable foundation (see *Béláné Nagy v. Hungary* [GC], no. 53080/13, § 113, 13 December 2016, and *Pannon Plakát Kft and Others v. Hungary*, no. 39859/14, § 47, 6 December 2022).

40. In the present case, as argued by the Government, the capping of prices on certain types of fuel was introduced as a temporary response to rapidly rising fuel prices and inflation in the respondent State amid a pandemic and a war in a neighbouring country (see paragraph 21 above). The Court accepts that, while exceptional, measures regulating market prices of fuel in order to combat inflation are not unusual. It can therefore accept that the impugned measure, which was of a transitory nature and was adopted during a difficult economic situation and a declared state of danger, was in the public interest within the meaning of Article 1 of Protocol No. 1, as maintained by the Government (compare *Da Conceição Mateus and Santos Januário v. Portugal*, cited above, § 26).

41. The Court further notes that the impugned measure was introduced by Government Decrees nos. 624/2021 and 626/2021, and was subsequently codified by Act no. CXXX of 2021 (see paragraphs 5 and 6 above). As regards the applicants' assertion that the legislation was unforeseeable and gave them virtually no time to prepare, the Court accepts the Government's explanation that the measure had been urgent and had been issued during a state of danger and a developing economic crisis. Moreover, the applicants did not argue that the imposed measure required any particular preparations, since it merely prevented them from raising certain fuel prices but did not require them to introduce physical changes to their place of business or make any other arrangements (contrast *Pannon Plakát Kft and Others*, cited above, §§ 53-54).

42. In the light of the above, the Court concludes that the interference with the applicants' property rights was prescribed by law and pursued a legitimate aim in the public interest, as required by Article 1 of Protocol No. 1 to the Convention.

**(c) Proportionality**

43. The Court must now assess whether a fair balance was struck between the demands of the general interest of the community and the requirement to protect the applicants' fundamental rights.

44. The Court has already held, albeit in different contexts, that the COVID-19 pandemic was capable of having very serious consequences – not just for health but for society, the economy, the functioning of the State and life in general – and that the situation had to be characterised as one of exceptional and unforeseeable circumstances (see *Terheş v. Romania* (dec.), no. 49933/20, § 39m 13 April 2021; *Fenech v. Malta*, no. 19090/20, § 96,

1 March 2022; and *Pasquinelli and Others v. San Marino*, no. 24622/22, § 97, 29 August 2024). At the same time, it has also examined a number of cases concerning various austerity measures taken in response to financial crises and consistently held that it will generally respect the legislature's policy choice of what was in the public interest on social or economic grounds unless it was "manifestly without reasonable foundation" (see *Da Conceição Mateus and Santos Januário*, cited above, §§ 25-30; *Koufaki and Adedy v. Greece* (dec.), nos. 57665/12 and 57657/12, §§ 37-49, 7 May 2013; and *Da Silva Carvalho Rico v. Portugal* (dec.), §§ 37-47, no. 13341/14, 1 September 2015). What distinguishes the present case is that it concerns the temporary capping of market prices of certain products – a measure which the Court has not yet had an opportunity to assess.

45. In the present case, the thrust of the applicants' complaint concerns the pecuniary losses they suffered owing to the capping of prices of certain types of fuel at HUF 480 for a period of some thirteen months (see paragraph 31 above). According to the applicants, during the period at issue the market price of those fuels occasionally reached HUF 733 for a litre of Eurosuper 95 and HUF 725 for a litre of diesel oil. The Court accepts that, as fuel retailers, many of the applicants might have suffered some pecuniary losses, although the extent of those losses remains rather unclear. The Court cannot but note that fifteen applicant companies did not claim before it any just satisfaction in respect of pecuniary losses suffered during the period in which the impugned legislation had been in force. As for the other thirty-three applicant companies, the Court notes that none of them alleged that the impugned measure had had such drastic effects on their businesses that they had had to close down, or that they had otherwise remained permanently unable to perform their economic activities (contrast *Vékony*, cited above, § 33).

46. The Court further observes that the measure regulating the market price of certain types of fuel was of a strictly temporary nature. It was in force for some thirteen months, during which period it was regularly reviewed and amended when and as deemed necessary (see paragraph 7 above). In that connection the Court points out that, as of July 2022, the price maximum complained of only applied to vehicles owned by natural persons with Hungarian registration plates, which must have at least to a certain extent alleviated the measure's effect on the applicant companies. What is more, the measure complained of did not result in a permanent change to the market conditions of the goods concerned (contrast *Könyv-Tár Kft and Others*, cited above, §§ 52-59).

47. In the light of the above, the Court considers that the impugned interference with the applicants' right to the peaceful enjoyment of their possessions was therefore limited both in time and in quantitative terms (compare *Da Conceição Mateus and Santos Januário*, cited above, § 27).

48. The Court further notes that the State introduced various compensation measures (such as tax benefits and favourable loans) for fuel retailers who were in the same situation as the applicants. Several applicants acknowledged having benefitted from such measures (see paragraph 31 above). However, they maintained that the introduced compensation measures had not fully offset the losses or that they had consisted of advantageous loans which the beneficiaries ultimately had had to repay to the State. In the Court's view, this argument does not negate the willingness of the State to at least partially cover the losses experienced by the various groups in society (including the applicants) and the significant amounts spent on fuel retailers (see paragraph 25 above). Bearing in mind the numerous changes to many businesses brought about by the healthcare crisis during COVID-19, the Court considers that it fell within the States' wide margin of appreciation to decide where to allocate scarce public resources following such a crisis (see the above-cited cases of *Koufaki and Adedy*, § 31, and *Da Conceição Mateus and Santos Januário*, § 28).

49. The applicants further maintained that the impugned measure had not been effective and had therefore not been necessary in a democratic society (see paragraph 29 above). The Court observes that the legislature reviewed the impugned measure on several occasions (see paragraph 7 above), and ultimately lifted the cap on prices once it considered that the said measure no longer pursued the legitimate aim for which it had been introduced. Given those circumstances, it is not for the Court to decide whether or not the measure was successful or whether better alternative measures could have been adopted in order to reduce inflation and overcome the economic crisis at the time in question – those matters falling within the State's margin of appreciation (compare *Da Conceição Mateus and Santos Januário*, cited above, § 22).

50. Finally, it is true that in addition to the price cap on essential fuels the impugned legislation provided for the possible closure of any petrol stations that were unable to supply the two types of fuels concerned over certain periods of time, as well as fines for those who failed to respect other provisions of the Government Decrees (see paragraphs 12 and 32 above). However, the Court cannot but note that none of the applicants argued that they had ever been subjected to any such measures (see also the Constitutional Court's decision of 31 January 2023, referred to in paragraph 10 above) and therefore cannot complain of the disproportionality of such measures in abstract terms.

**(d) Conclusion**

51. In view of the foregoing, the Court considers that the interference with the applicants' property rights was prescribed by law, pursued a legitimate aim in the public interest, and was proportionate in the circumstances. The impugned measure was temporary and targeted, it was adopted in response to

an exceptional economic and public health crisis, and it was accompanied by compensatory mechanisms. Taken together, these factors indicate that the measure was not manifestly without reasonable foundation. Nor have the applicants demonstrated that they bore a disproportionate or excessive burden as a result.

52. Accordingly, this complaint is manifestly ill-founded and must be rejected, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

*Decides* to strike the applicant out of its list of cases in respect of the fifteenth applicant;

*Declares* the remainder of the application inadmissible.

Done in English and notified in writing on 23 October 2025.

| | |
|---|---|
| Hasan Bakırcı<br>Registrar | Arnfinn Bårdsen<br>President |

# APPENDIX

List of applicants:

Application no. 35610/22

| No. | Applicant's Name | Year of registration | Place of residence |
|---|---|---|---|
| 1. | BK1 | 1998 | Besenyőtelek |
| 2. | BK2 | 1990 | Soltvadkert |
| 3. | BK3 | 1995 | Nyírbátor |
| 4. | BK4 | 2003 | Gyöngyös |
| 5. | BK5 | 1991 | Budapest |
| 6. | BK6 | 2007 | Berettyóújfalu |
| 7. | BK7 | 1993 | Gyöngyös |
| 8. | BK8 | 2020 | Tiszavasvári |
| 9. | BK9 | 2011 | Szombathely |
| 10. | BK10 | 1995 | Pápa |
| 11. | BK11 | 1992 | Nyíregyháza |
| 12. | BK12 | 2017 | Budapest |
| 13. | BK13 | 2011 | Budapest |
| 14. | BK14 | 2011 | Nagykőrös |
| 15. | BK15 | 1997 | Füzesabony |
| 16. | BK16 | 2005 | Budapest |
| 17. | BK17 | 2018 | Szigetszentmárton |
| 18. | BK18 | 2000 | Erdőtelek |
| 19. | BK19 | 2014 | Budapest |
| 20. | BK20 | 2012 | Csákberény |
| 21. | BK21 | 1993 | Szolnok |
| 22. | BK22 | 2011 | Jászalsószentgyörgy |
| 23. | BK23 | 2009 | Solt |
| 24. | BK24 | 1999 | Inárcs |
| 25. | BK25 | 1990 | Dunaszentgyörgy |
| 26. | BK26 | 2010 | Kiskunhalas |
| 27. | BK27 | 1996 | Baja |
| 28. | BK28 | 2012 | Mélykút |
| 29. | BK29 | 1999 | Táp |
| 30. | BK30 | 2009 | Budapest |

| No. | Applicant's Name | Year of registration | Place of residence |
|---|---|---|---|
| 31. | BK31 | 2010 | Nyíregyháza |
| 32. | BK32 | 2010 | Budapest |
| 33. | BK33 | 2012 | Székesfehérvár |
| 34. | BK34 | 1992 | Bakonycsernye |
| 35. | BK35 | 1988 | Bonyhád |
| 36. | BK36 | 2014 | Budapest |
| 37. | BK37 | 1996 | Nyíregyháza-Sóstófürdő |
| 38. | BK38 | 2010 | Budapest |
| 39. | BK39 | 1993 | Kisapostag |
| 40. | BK40 | 1995 | Tarcal |
| 41. | BK41 | 1998 | Vaja |
| 42. | BK42 | 1998 | Budapest |
| 43. | BK43 | 2005 | Baja |
| 44. | BK44 | 1991 | Bekecs |
| 45. | BK45 | 2019 | Kecskemét |
| 46. | BK46 | 2008 | Budapest |
| 47. | BK47 | 2011 | Budapest |
| 48. | BK48 | 1999 | Gödöllő |
| 49. | BK49 | 1997 | Budapest |