

**Question for written answer E-007688/2015
to the Commission**
Rule 130
Ivan Jakovčić (ALDE)

Subject: Question E-001354/2015 and answer HR-E-001354/2015, addendum 1

It follows from the response of the Commissioner that CAST Croatia 2009 was incomplete because it did not contain the so-called competency test. Considering that CAST Croatia took place in 2009 and that the competency test was introduced in 2010, it is not clear how a test held under the then existing rules can be declared invalid based on rules that took effect later. This is contrary to the prohibition of retroactivity. The explanation that the later rules had already been planned is not legally viable because the only binding legal regulations are those that are effective and acts based on them are legally valid. The introduction of retroactivity in the example of Croatia represents a violation of the rule of law and the principles on which the European Union rests and opens the possibility of judicial proceedings and the submission of a complaint to the European Ombudsman.

1. How does the Commissioner explain the introduction of retroactivity in the Croatian example?
2. Does the Commissioner consider that competitions which took place before 2010 should be declared invalid?