

**Question for written answer E-000706/2016  
to the Commission**  
Rule 130  
**Norbert Erdős (PPE)**

Subject: Application of the principle of equal treatment with reference to policy on land

In its answer to my question E-013350/2015, the Commission stated that it applies the principle of equal treatment with reference to policy on land.

1. Does the Commission agree with the point of view, which is widely subscribed to by experts and is also supported by its own practice, that, despite its wide margin of discretion to bring infringement proceedings, the Commission, as 'guardian of the Treaties', in practice devotes particular attention to examining whether Member States have brought their laws and administrative practices into line with European law in cases in which the Court of Justice of the EU has already delivered a preliminary ruling in relation to a given Member State?
2. If the Commission – as stated in its answer to the previous question – adheres to the principle of equal treatment of Member States, in accordance with Article 4(2) TFEU, how can the fact be explained that, in the case of the Republic of Austria, despite more intensive monitoring by the Commission, it took some six years to bring the relevant infringement proceedings, whereas after the expiry of the derogation period which applied to the new Member States, it waited only one year before launching its 'comprehensive review' as a preliminary to infringement proceedings?

According to our information, in 2010 the Commission brought infringement proceedings against the Republic of Austria for failing to comply with the judgment given by the Court of Justice in the Ospelt case, which ultimately ended with a mutual agreement.