

**Question for written answer E-001925/2019  
to the Commission**  
Rule 130  
**Pál Csáky (PPE)**

Subject: Member State courts taking evidence into account

In its written reply Ref. No E-005839/2018, the Commission stated that in the dispute referred to by the individual concerned, the lack of registration in the land registry was not required for the transfer of the property to the Romanian state, and therefore the property in question was not subject to the relevant law on restitution. This is confirmed by a 1937 Supreme Court judgment.

The individual concerned referred to the following in the course of the dispute: the areas in question were not expropriated as a result of disputes, and evidence is available only of 'attempts at expropriation' by the authorities. The dispute did not end with the 1937 judgment, as can be seen with the subsequent legal actions, the 1940 statement of opposition in the Romanian Parliament, and the Official Gazette of Romania.

The position of the individual concerned is attested by the post-1945 draft notarial inheritance agreement, the 1948 expropriation protocols and the 1946 county tax registration evidence.

In similar cases the courts took account of the above and reached positive decisions. However, these were disregarded in the present case.

1. Are obligations created for the Member State court presiding in the present case by the relevant case-law on taking evidence into account?
2. If not, what justification might there be for diverging from settled case-law?
3. What can the legal entities concerned do if the relevant EU laws on taking evidence into account are violated?