

**Question for written answer P-005558/2015
to the Commission**

Rule 130

Norbert Erdős (PPE)

Subject: Infringement proceedings relating to landholding policy in the new Member States

There are many uncertainties surrounding the Member States' leeway for action in landholding policy. In the old Member States the landholding system is stable, and the incidence of civil law disputes is negligible. The Commission does not initiate infringement proceedings against them on matters of landholding policy.

Under the case law of Court of Justice of the EU, compensation claims by legal entities against Member States derive directly from the EU legal system, and this, contrary to the objectives of EU law, may discourage the new Member States from legislating in this area. The legal disputes in connection with the accession of Austria show that, during the period following accession, a considerable number of cases may arise, particularly if there are major divergences between land prices.

The new Member States have a greater need for appropriate legislation with a view to creating a uniform landholding system, particularly as some new Member States – such as Hungary – did not have any possibility during the derogation period of introducing the most suitable instrument for creating a landholding system, namely prior authorisation, which under the case law of the Court of Justice in this area is compatible with EU law.

One essential element in implementing the objectives of landholding policy is stability, which in an uncertain landholding policy environment may be undermined by a proliferation of judgments in claims cases. The outcome of all this may be that the principles underlying the agricultural policy objective – which the EU Court of Justice also recognises – of improving the quality of life for farmers, are not being successfully implemented for farmers in the new Member States. This de facto second-class status is aggravated by the fact that the Commission only opens infringement proceedings against new Member States.

In the light of the above, why is it that the Commission only opens infringement proceedings against new Member States?