

**Question for written answer P-008392/2015
to the Commission**
Rule 130
Csaba Sógor (PPE)

Subject: Review of administrative decisions

It is important not only to guarantee the primacy of EU law but also to protect the principle of legal certainty. In the interest of the enforcement of the rights of EU citizens, we consider it important to clarify such situations.

According to a fundamental principle¹ the Member States must carry out an ex-post review of situations which infringe EU law, and this obligation also extends to terminating the legal effects of decisions that infringe EU law. However, in accordance with the case law of the Court of Justice, the principle of legal certainty may place restrictions on this obligation, mainly in the case of administrative decisions which have acquired the force of law in particular circumstances.

1. I should like to ask the Commission to what extent the obligation to review situations which infringe EU law have changed in consequence of the Court of Justice's judgment in the Hristo case²?
2. Under EU law as it currently stands, does the obligation to carry out an ex-post review of situations which infringe EU law derive from the founding Treaties – and, in accordance with a fundamental principle, under what conditions – in a situation where a Member State has created a legal rule containing conditions which contradict fundamental economic freedoms, and has linked the enjoyment of a specific benefit to the submission of an application before a given deadline?
3. Can it confirm that the Member State is obliged to carry out an ex-post review if in such cases its national legislation, *ex lege*, ultimately deprives those who fail to comply with the deadline of the enjoyment of the benefits, where the submission of the application – clearly having no chance of succeeding under national law – would otherwise incur significant expenditure?

¹ Judgment of the Court of Justice of the European Union in case C-453/00.

² Judgment of the Court of Justice of the European Union in case C-249/11.