

**Question for written answer P-001509/2016  
to the Commission**  
Rule 130  
**Norbert Erdős (PPE)**

Subject: Transparency regarding Member States' room for manoeuvre in the field of property policy

In its answer to my question E-013451/2015, the Commission conceded that it has an obligation to reply to questions put to it by Members of the European Parliament. In spite of this, it has not given a specific answer to my question.

The Commission stated that it was difficult to answer the question, as, among other things 'the assessment of the justification and proportionality of restrictions' to the fundamental economic freedoms 'needs to take into account the specific circumstances of the Member State concerned'.

However, my question did not relate to a specific assessment of a Member State's rules concerning a given area, in which case such objections might be relevant, but to the applicability of the principles established – for all Member States – by EU case law for that area.

That being so, could the Commission please give a precise and detailed answer to the following questions:

1. Does the Commission agree with the view – supported by the European Court of Justice<sup>1</sup> – that where a national rule in a particular area is found to be compatible with EU law, it is necessary firstly to examine the applicability of the EU legal acts relating to that area, and only then consider the proportionality and justification of a specific rule restricting economic freedom and carry out an assessment in the light of the Member State's specific circumstances?
2. In connection with its answer to the above question, what is the Commission's precise answer to questions 2 and 3 of Written Question P-005526/2015 by my colleague Pál Csáky MEP?

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<sup>1</sup> See judgements in case C-370/05, points 22-23, and in joined cases C-197/11 and C-203/11, points 36-48.