

**Question for written answer P-001750/2017  
to the Commission**

Rule 130

**Norbert Erdős (PPE) and Pál Csáky (PPE)**

Subject: Implementation of EU law in the area of free movement

I would like to ask the Commission the following three questions:

1. Does the Commission agree with the experts' view according to which ensuring compatibility with EU law of direct discrimination regarding the free movement of capital is much more difficult when the Member State concerned cites, in terms of EU law, legitimate public interest or the pursuit of an EU objective as justification for a measure which does not comply with the proportionality principle, so that the EU has to take more aggressive action?
2. If the Commission agrees with the above question, why does it conclude, in its response to written question P-007212/15, that it regards the matter of a measure which discriminates directly on the basis of nationality in the application of the free movement of capital as closed?
3. Will the Commission be prompted to change its mind, with regard to its role in implementing EU law, in light of the fact that the legal entities in this case were unsuccessful in their approach to the courts of the Member State concerned – including the constitutional court and the supreme court – which, by disregarding the preliminary decision procedure (among other things) on the subject of the legislation which indirectly violates the free movement of capital referred to above, were in contravention of EU law?