

WRITTEN QUESTION E-0306/08
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to the Commission

Subject: State-imposed special rights in privatised companies

Following the Commission infringement case brought against Germany regarding the Volkswagen Law, the European Court of Justice ruled on 23 October that this law adversely affects the free movement of capital and freedom of establishment in Europe. In its ruling the ECJ found that by maintaining the Volkswagen Law concerning the capping of voting rights at 20%, Germany had failed to fulfil its obligations under the EC Treaty.

Despite this case and a well-established line of precedent in the European Court of Justice, there remain State-imposed voting limitations in some Member States. Most recently attention has been directed towards Hungary, which has such a State-imposed measure, in the form of a 10% voting limitation, in the former state-owned energy company MOL. This State measure in combination with the recently adopted legislation LexMOL, against which the Commission sent a 'letter of formal notice' to Hungary on 13 October 2007, seem to provide strong grounds for the Commission to request that these restrictions on the free movement of capital and freedom of establishment are removed immediately.

In view of recent ECJ case law reaffirming the illegality of State-imposed voting caps, is the Commission going to commence formal procedures against Hungary for failing to remove its State-imposed voting cap in MOL?