

**Question for written answer E-004410/2012**  
**to the Commission**  
Rule 117  
**Edit Bauer (PPE)**

Subject: Restricting the right to private property

A constituent contacted me recently with a request. The problem described in the letter violates the right to private property, which is contrary to European legal practices.

The injured party is the owner of a property within the limits of a Slovakian settlement, on which Západoslovenská energetika a.s. (hereinafter referred to as: 'electric company') placed, without this person's knowledge, four concrete electricity poles and electric cables running along a 10-m band of the full length of the property, thus affecting a total area of about 600 m<sup>2</sup> and rendering it worthless. The company had an official building permit from the local government. According to the Slovakian legislation in force, the electric company — as the owner of the cables — has the right to place the cables on the property and has no obligation to provide compensation to the property owner. The legislation in force also states that if the cables restrict the property owner to a great extent and affect the property's value, the owner may demand that the electric company provide one-off compensation within three months of the construction (electric cables) being put into operation; otherwise, this opportunity is lost. In the present case, the property owner was not informed of the building permit being issued and so could not exercise the legal right to claim compensation. In the response received from the electric company, the possibility of relocating the cables is actually raised, but the electric company would charge all the costs of this to the property owner, which is also in line with the legislation in force. Meanwhile, a person interested in purchasing the property would only have been willing to purchase this part of the property well under the market value because of the cables.

- Does the legal approach adopted in the Slovak Republic's current law on energy conform with European Union law regarding the method and conditions for installing electrical cables?
- According to European law, is it acceptable that the rights of energy companies enjoy an advantage over the right to private property?
- Why are energy companies not obliged to purchase the properties they block and arbitrarily appropriate for the market value which applies in the given region or, perhaps, to pay a rental fee for the area occupied?
- What steps can the European Commission take to prevent infringement of the right to private property as a result of the business or entrepreneurial activities of third parties?