

**Question for written answer E-011857/2013
to the Commission**

Rule 117

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Subject: Restriction of the free movement of capital

The Commission admitted in its response (E-008448/2013) that the restitution of confiscated property is considered a capital movement, and that the same is true for the receipt of inheritances¹ in accordance with the 1988 Council Directive on the movement of capital². The Commission also confirmed that when Member States enforce the prohibition of citizenship-based discrimination in respect of the free movement of capital and the prohibition of restrictions affecting this freedom, they must also observe the provisions of the Charter of Fundamental Rights of the European Union relating to the right to property and to the general prohibition of discrimination.

The effective laws of the Slovak Republic³ allow the restitution of land confiscated under various legal titles or lost in unfair circumstances in the period between 5 February 1948 and 1 January 1990⁴, or the provision of compensation for such loss of property only to persons with Slovakian citizenship and a permanent place of residence in Slovakia, and to their legal or testamentary heirs.

In view of the aforementioned EU provisions, is it compatible with EU law that EU citizens without Slovakian citizenship or a permanent place of residence in Slovakia were at a disadvantage as regards the restitution of their property⁵ during the compensation process in the period between 1 May 2004 and 31 December 2004? If the contested Slovakian provisions are incompatible with EU law, does it follow from Member States' obligation to rectify situations that violate EU law⁶ that those European Union citizens whose applications were rejected on the basis of the citizenship or place of residence criteria should be granted a new opportunity to submit their compensation claims, regardless of the fact that the legislation in question stipulates forfeiture of rights after 31 December 2004, or that all potentially affected persons should be granted the opportunity to submit compensation claims?

¹ Court of Justice of the European Union, C-11/07.

² Council Directive 88/361/EC.

³ Act No 503/2003 Coll. on the Restitution of Land Ownership.

⁴ In certain cases the regulations also provide for compensation for land confiscated on the basis of the Decree of the Slovakian National Council 104/1945 T.t. (concerning the confiscation of the agricultural property of Hungarians and Germans) or on the basis of the Decree of the President of the Republic (108/1945 on the nationalisation of enemy property). This land, too, can only be returned to persons with Slovakian citizenship and a permanent place of residence.

⁵ The provisions of the Treaty of Accession of Slovakia allowing a derogation period in respect of land cannot be given an interpretation that would make it impossible to return illegally confiscated agricultural land to the affected persons or to their heirs, particularly when as a result of the forfeiture deadlines these persons have permanently lost the opportunity to enforce their ownership rights, while any EU citizens can purchase agricultural land in Slovakia after the expiry of the derogation period.

⁶ Court of the European Union, 6/60