

**Question for written answer E-001140/2021  
to the Commission**

Rule 138

**Loránt Vincze (PPE)**

Subject: Practical problems concerning the free movement of capital

In answers to questions for written answer, the Commission has stated<sup>1</sup> that restitution falls within the scope of the free movement of capital and that the Member States must comply in this regard with the general principle of appropriate administrative practice<sup>2</sup>, which obliges them, inter alia, to deal with cases in a reasonable amount of time if they fall within the scope of application of EU law.

The Romanian authorities responsible have failed to deal with the administrative stage of applications for restitution submitted by individuals who were nationals of other Member States for over a decade.

There is an action in Romanian procedural law<sup>3</sup> under which a Member State court may oblige an administrative body to give an answer and make a decision. Under such a procedure, is the proceeding Member State court obliged, on the basis of the case-law<sup>4</sup> and in accordance with the principle of interpretation<sup>5</sup>, to interpret the legislation in such a way as to ensure that, on the basis of the requirements of the principle of appropriate administrative conduct, a decision is made in a reasonable amount of time?

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<sup>1</sup> E-011857/2013

<sup>2</sup> E-004292/2019

<sup>3</sup> Article 5 of Government Decree No 890/2005

<sup>4</sup> Judecătoria Negrești-Oaș, dossier No 1814/266/2020, dossier No 1815/266/2020

<sup>5</sup> Court of Justice of the European Union, C-432/05, paragraph 44