

**Question for written answer E-002657/2021
to the Commission**

Rule 138

Loránt Vincze (PPE)

Subject: Breach of free movement of capital

The Commission has acknowledged in its answers that the discriminatory provisions of the Slovak Act on Restitution of 2003¹ concerning nationality and place of residence in the period from 1 May 2004 to 31 December 2004 were in breach of EU law and that claims deriving from the infringement which are guaranteed by EU law must, according to the Commission², be enforced before the Slovak courts.

An individual who was a citizen of another Member State wished to recover their agricultural property, contesting the compliance of the discriminatory provisions of the legislation with EU law. Their application was rejected by the Supreme Court of Slovakia³, which also failed to request a preliminary ruling and among other things contested the applicability of EU law.

Under the relevant Slovak procedural rules⁴, if a Slovak administrative court ruling does not conform to the decision of the EU bodies, a retrial may take place within three months of the reason for the retrial becoming known.

As a general rule, does EU law require the application to be upheld or an application for a preliminary ruling to be initiated in the event of the *Cilfit* criteria being met?

¹ Act No 503/2003

² CHAP(2017)02055, Ref.Ares(2019)5420001-27/08/2019

³ Supreme Court of Slovakia, 5SžoKS 105/2006

⁴ Act No 162/2015