

**Question for written answer P-004037/2014
to the Commission**

Rule 117

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Subject: Application of the principles of legality, equal treatment, proportionality and non-discrimination by the Republic of Poland

During the transitional period which will end on 1 May 2016, non-Polish EU citizens wishing to purchase agricultural property are required obtain a permit issued by the Ministry of the Interior subject to the completion of prior checks by the Ministry of Agriculture, which has the right to object to a sale. In practice, however, the rules have been applied arbitrarily, even when foreign nationals meet the relevant criteria.

What is more, the Agricultural Property Agency (a state agency) can restrict participation in tender procedures to farmers resident in the municipality in question. In order to take part, farmers must produce a certificate (*meldunek stały* in Polish) proving that they are permanently resident in the area. Foreign nationals wishing to obtain this certificate are required to present evidence of a permanent right of residence, for which they are eligible only after having lived in Poland for five years; Polish citizens can obtain the certificate automatically.

Is this use of Polish domestic law in order to consistently and arbitrarily deny people permits to purchase agricultural property, even if they meet the criteria laid down by law, compatible with EU law and, in particular, the principles of legality, equal treatment, proportionality and non-discrimination?

Is it not a clear form of indirect discrimination to make participation in tender procedures for agricultural properties contingent on possession of a document (*meldunek*) which is automatically available to all Polish citizens, whilst foreign nationals are obliged to wait five years before obtaining it? Does this not violate the principles of equal treatment, proportionality and non-discrimination, thus rendering null and void all property purchases concluded by means of such tender procedures? Does the Commission plan to take steps against the Republic of Poland in order to put a stop to practices which are incompatible with EU law?