

**Priority question for written answer P-005511/2021  
to the Commission**  
Rule 138  
**Loránt Vincze (PPE)**

Subject: Examination under EU law of the principle of collective guilt

In its reply to written question E-001388/2021<sup>1</sup>, the Commission deemed Decision No 104/1945 of the National Council of the Slovak Republic to have no cross-border legal impact. The decision paved the way for the confiscation of land belonging to members of the Hungarian and German minorities on the basis of the principle of collective guilt. Since the decision has not been removed from the Slovak legal system, it forms part of that system and serves as the basis of legal disputes. These concern compensation and real-estate transactions, with a close link to the EU principle of the free movement of capital. The Slovak courts and authorities launch confiscation proceedings against the descendants of former owners on the basis of the decision, making it clear that not all confiscations took place in 1945 and thereafter, a situation which should therefore be remedied.

The Commission can find further detailed information in the legal expert analysis available at the following link:<sup>2</sup>

1. Will the Commission examine this problem on the basis of the above-mentioned aspects?
2. Can a Member State uphold the principle of collective guilt, and is this compatible with respect for EU values and the rule of law?
3. There is evidence of the existence of cross-border elements (see above; also, such cases might affect EU citizens in several Member States, given the historical context), but would the Commission pay attention to the issue on the grounds that it is discriminatory and concerns legislation and its application which does not belong in the legal order of a democratic state?

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<sup>1</sup> [https://www.europarl.europa.eu/doceo/document/E-9-2021-001388-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2021-001388-ASW_EN.html)

<sup>2</sup> <https://uj szo.com/benes-decrees-when-the-past-catches-up-with-the-present>