

**Priority question for written answer P-002535/2022  
to the Commission**

Rule 138

**Loránt Vincze (PPE)**

Subject: Infringement of the free movement of capital and of the right to property enshrined in Article 17 of the Charter

The Commission has acknowledged that, in the case of restitution of property, Member States must give due consideration to the free movement of capital, the general principles of Union law and the rights to property enshrined in Article 17 of the Charter<sup>1</sup>.

In its judgment in *D'Hoop*<sup>2</sup>, among others, the Court of Justice of the European Union established a practice for assessing the scope *ratione temporis* of Union law, according to which Union law also applies to the present effects of legal instruments arising previously. The question of time limits was subject to an assessment of similar scope in a judgment handed down in connection with the accession of Austria<sup>3</sup>.

A legal dispute has come before the Slovak courts<sup>4</sup> involving an Austrian national and concerning the inheritance of property<sup>5</sup>; it follows from that dispute that due consideration must be given to the free movement of capital in judging such cases. The Slovak state took the view that the property must be regarded as confiscated from 1946 onwards, notwithstanding the fact that no decision had been issued to that effect or appeared in the property register.

Ought the proceedings to pay due consideration to the free movement of capital and Article 17 of the Charter<sup>6</sup>,

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<sup>1</sup> Answer to written question E-004016/2020.

<sup>2</sup> Court of Justice of the European Union, Case C-224/98.

<sup>3</sup> Case C-122/96.

<sup>4</sup> P-2274/2019, Okresny súd Bratislava II č. 16C/96/2019.

<sup>5</sup> Case C-679/17.

<sup>6</sup> particularly in light of the judgments handed down in Cases C-52/16 *EUB Segro* and C-235/17 *Commission v Hungary*?