

**Question for written answer E-013778/2015/rev.1
to the Commission**
Rule 130
Pál Csáky (PPE)

Subject: Compatibility of Constitutional Court ruling with EU law

Our assistance has been sought in a legal dispute, in an area similar to the response given by the Commission to a question for written answer (P-007212/2015), about the compatibility of a Member State provision with EU law and in particular with fundamental economic freedoms and the free movement of capital. The dispute is pending before the Constitutional Court.

In the light of the case law of the Court of Justice of the European Union¹ and the position of the Commission on a question for written answer², we believe that the Constitutional Court's procedural framework corresponded to the situation set out in the third sub-paragraph of Article 267 TFEU, so that it should have brought the matter before the Court of Justice of the European Union.

In the part of the dispute pending before the Constitutional Court, the legal entity requested that the court bring the matter before the Court of Justice of the European Union in a preliminary ruling procedure.

In its ruling³, the Constitutional Court did not admit the plaintiff's request for the application of EU law but instead completely ignored the question of contacting the Court of Justice of the European Union in its justification.

In the Commission's view, how can the application of EU law be safeguarded in such situations?

¹ European Court of Justice, C-542/13.

² Question for written answer E-00677215.

³ I. ÚS 48/2015-65.