

*(English version)*

**Question for written answer E-002543/25  
to the Commission  
Matej Tonin (PPE)  
(25 June 2025)**

*Subject:* The statutory right of first refusal on the purchase of forests in Slovenia is an infringement of EU law

In Slovenia there is an established right of first refusal for the purchase of forests in the case of complexes of more than 30 hectares located in Slovenia. This right of first refusal is granted to Slovenian State Forests (Slovenski državni gozdovi, d.o.o. (SiDG)), the company that manages and administers forests owned by the state.

I believe that such a broadly defined possibility to exercise a right of first refusal infringes EU law on three separate grounds:

- (1) Because it restricts the free movement of capital between Member States;
- (2) Because it constitutes an infringement of EU competition rules, as well as being unlawful state aid to a public company; and
- (3) Because there is no valid reason to establish such a right of first refusal, nor can such a right be in the public interest.

Two applicants have already notified the Commission of an infringement of EU law, namely Jurij Rudež 6/12/2023 CPLT (2024)00008 and the Chamber of Agriculture and Forestry of Slovenia 16/01/2024 (2024)00467T.

I would like to ask the Commission:

Could such a broadly defined and legally guaranteed right of first refusal constitute an infringement of EU law?

Submitted: 25.6.2025

**Answer given by Ms Albuquerque on behalf of the European Commission  
(12 September 2025)**

The Member States have jurisdiction and discretion to regulate the real estate markets. In doing so, however, they must respect the basic principles of the EU Treaties, first and foremost the fundamental freedoms.

The right to acquire, use or dispose of real estate falls notably under the free movement of capital principle set out in Articles 63 et seq. of the Treaty on the Functioning of the European Union (TFEU), or, depending on the purpose, under freedom of establishment pursuant to Article 49 TFEU.

As a rule, these freedoms prohibit any restrictions on the acquisition of real estate as well as direct or indirect discrimination on grounds of nationality unless they are justified by legitimate reasons of public interest as recognised in the Treaties or in the jurisprudence of the Court of Justice of the European Union.

The state aid rules, including Article 107 (1) TFEU, only apply where the beneficiary of a measure is an entity engaging in economic activity. If the activities carried out in the forest constitute exercise of public power, State aid rules do not apply.

The Commission has indeed been made aware, through complaints, of the existence of a right of first refusal under Slovenian law. However, it has, at this stage, not yet finalised its assessment as to whether the provisions in question infringe EU law.

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