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Answer given by Mr McGrath
on behalf of the European Commission
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Member States have jurisdiction and discretion to regulate the real estate markets, while respecting the EU Treaties, including the free movement of capital, or the freedom of establishment. These freedoms prohibit any restrictions on the acquisition of real estate as well as discrimination on grounds of nationality unless they are justified by legitimate reasons of public interest¹. However, special rules apply to the acquisition of real estate on the Åland Islands pursuant to Protocol No 2 to Finland's accession treaty on the right of foreign natural or legal persons to acquire and hold real property on the islands.

Where a Member State introduces or maintains restrictions to the free movement of capital or the freedom of establishment, the compatibility of the measures in question with EU law must be examined in the light both of the relevant reasons of public interest and of the fundamental rights guaranteed by the Charter, including the right to property safeguarded by Article 17 of the Charter².

¹ See Court of Justice of the European Union, Joined cases C-197/11 und C-203/11, *Eric Libert a.o.*, n 37 et seq.

² See Court of Justice of the European Union, Case C-235/17, *Commission v Hungary*, paragraphs 63-66.