

2. If the answer to that question is in the negative: Can Articles 49 and 54 of the Treaty on the functioning of the European Union be interpreted as meaning that the requirement under national law that proceedings for the liquidation of the company be carried out — including the conclusion of current business, recovery of debts, fulfilment of obligations and sale of company assets, satisfaction or securing of creditors, submission of a financial statement on the conduct of those acts, and indication of the person to whom the books and documents are to be entrusted — which precede the winding-up thereof, which occurs on removal from the commercial register, is a measure which is appropriate, necessary and proportionate to a public interest deserving of protection in the form of safeguarding of creditors, minority shareholders, and employees of the migrant company?
  
3. Must Articles 49 and 54 of the Treaty on the functioning of the European Union be interpreted as meaning that restrictions on the freedom of establishment include a situation in which — for the purpose of conversion to a company of another Member State — a company transfers its registered office to that other Member State without changing its place of principal establishment, which remains in the State of initial incorporation?

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**Request for a preliminary ruling from the Szombathelyi Közigazgatási és Munkaügyi Bíróság  
(Hungary) lodged on 26 February 2016 — Günter Horváth v Vas Megyei Kormányhivatal**

(Case C-113/16)

(2016/C 211/30)

*Language of the case: Hungarian*

**Referring court**

Szombathelyi Közigazgatási és Munkaügyi Bíróság

**Parties to the main proceedings**

*Applicant:* Günter Horváth

*Defendant:* Vas Megyei Kormányhivatal

**Questions referred**

1. Does legislation of a Member State such as that at issue in the main proceedings create a restriction contrary to Articles 49 and 63 of the Treaty on the Functioning of the European Union by making the continuance of rights of usufruct and use constituted over arable land subject to evidence of a close family link with the person who constituted those rights, so that, if the holder of the right of usufruct or use is unable to establish the close family link, his right is extinguished *ex lege* with no compensation?
  
  2. Having regard to Articles 49 and 63 of the Treaty on the Functioning of the European Union, are nationals of the Member State concerned affected to the same extent as nationals of the other Member States by legislation of a Member State such as that at issue in the main proceedings, which makes the continuance of rights of usufruct and use constituted over arable land subject to evidence of a close family link with the person who constituted those rights, so that, if the holder of the right of usufruct or use is unable to establish the close family link, his right is extinguished *ex lege* with no compensation?
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