

**Question for written answer E-000919/2022
to the Commission**

Rule 138

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Subject: Rules on activities incompatible with the profession of real estate brokers under Article 5(3) of Italian Law No 39/1989, as reformulated by Article 4(2) of Italian Law No 238 of 23 December 2021

Article 5(3) of Law No 39/1989 was the subject of infringement procedure No 2018/2175 initiated by the European Commission. The law was subsequently reformulated by the Italian state, first by Article 2 of Law No 37/2019 and then by Article 4(2) of Law N 238/2021. However, the above-mentioned European infringement procedure has remained open because Article 5(3) of Law No 39/1989 still poses serious limitations on the multidisciplinary activity of real estate brokers, contrary to Article 59(3) of Directive 2005/36/EC (as amended by Directive 2013/55/EC), Article 49 TFEU and Article 25(1) of Directive 2006/123/EC.

Contrary to the European recommendations, the latest version of Article 5 of Law No 39/89, as amended by Article 4(2) of Law No 238/2021, which has just entered into force in Italy, broadened the categories of activities considered absolutely and generally incompatible with the profession of real estate broker, extending them to cover an undefined range of activities, without indicating alternative and 'proportionate' instruments.

In light of the above, can the Commission say:

1. Whether it is aware of this situation?
2. Whether it considers Italian Law 238/2021 to be incompatible with Directive 2006/123/EC?
3. What measures it intends to take in the event of proven incompatibility?