Question for written answer E-001860/2026
to the Commission
Rule 144
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Subject: Compatibility with EU law of measures based on so-called ‘national priority’

Various initiatives in Member States are introducing criteria for access to public benefits and housing based on the so-called principle of ‘national priority’, via requirements of long-term settlement, continuous residence, or territorial attachment. In some cases, such as Aragon, these criteria have been incorporated into recent government agreements.

These measures, although formally neutral, may constitute indirect discrimination within the meaning of Article 2(2)(b) of Directive 2000/43/EC, disproportionately affecting long-term residents protected under Article 11 of Directive 2003/109/EC. According to the case law of the CJEU, indirect discrimination does not require intent but disproportionate effect. Moreover, the explicit designation of ‘national priority’ constitutes a strong indication of a discriminatory objective, incompatible with Articles 20 and 21 of the Charter of Fundamental Rights.

In light of the above,

1. How does the Commission assess the compatibility of these requirements with Article 11 of Directive 2003/109/EC when they may limit the effective exercise of the rights of long-term residents?

2. Does it consider that policies explicitly aimed at establishing a ‘national priority’ can be compatible with the principles of equality and non-discrimination in EU law?

3. Does it intend to take action against measures that may constitute indirect discrimination or disproportionate restrictions?

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