

**Question for written answer E-003802/2026
to the Commission**
Rule 144
Borja Giménez Larraz (PPE)

Subject: Scope of Protocol No 32 in view of the proposal for a regulation on the Affordable Housing Act (2026/0268 (COD))

Protocol No 32 annexed to the Treaty allows Denmark to maintain its existing legislation on the acquisition of second homes, by way of derogation from the Treaty provisions on the free movement of capital.

Danish legislation imposes restrictions on the purchase of summer and second homes by individuals who do not meet certain criteria regarding their connection to Denmark.

In view of this specific derogation:

1. How would the above-mentioned proposal for a regulation (2026/0268 (COD)) be applied to the Danish restrictions on the purchase of second homes, as protected under Protocol No 32?
2. Would such measures be subject to the requirements of necessity and proportionality set out in the proposal or would the specific protection granted to Denmark under Protocol No 32 prevail?
3. If the proposal for a regulation establishes common criteria for assessing restrictions on second homes, could those criteria affect the future application of Danish law? In the event of a conflict between the two instruments, how should their relationship be interpreted and which legal regime would prevail?

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