

(English version)

**Question for written answer E-002004/24
to the Commission
Christine Anderson (ESN)
(9 October 2024)**

Subject: Discrimination against German pensioners and tourists in Spain

German pensioners in Spain are reportedly experiencing systematic discrimination when applying for residence permits, despite having sufficient financial resources. Some are even said to have been deported as soon as they became reliant on assistance. These practices may constitute breaches of EU law. There have recently been protests against mass tourism in Mallorca, which targeted German tourists in particular. At the same time, economically viable projects such as the development of alternative tourism regions are being put on the back burner as a result of dependence on EU funding.

1. What measures does the Commission intend to take to investigate discrimination against German tourists and pensioners in Spain and in particular in Mallorca?
2. How does the Commission ensure that EU funding does not lead to economically viable projects being put on hold until subsidies are paid?
3. What measures is the Commission taking to ensure the free movement of EU citizens in all Member States without bureaucratic hurdles and discrimination?

Submitted: 9.10.2024

**Answer given by Mr McGrath on behalf of the European Commission
(10 January 2025)**

Pursuant to Directive 2004/38/EC ⁽¹⁾, pensioners of one Member State have a right to reside in another Member State for longer than three months if they have sufficient resources and have comprehensive sickness insurance cover.

Member States may expel persons who no longer satisfy the requirements for exercising a right of residence ⁽²⁾. The Commission is not aware that Spain would discriminate German pensioners.

As regards tourists, the Commission is unaware that the protests target German nationals. In line with the Transition Pathway for Tourism ⁽³⁾ and the Agenda for Tourism 2030 ⁽⁴⁾, the Commission supports sustainable tourism that is inclusive, accessible to all and that benefits both residents and visitors. Member States have committed to implement socially sustainable tourism ⁽⁵⁾.

The European Regional Development Fund supports the diversification of the tourist offer in the Balearic Islands. Under the shared management principle, project selection and implementation fall under the remit of the regional authorities.

The Commission channels EU funding to the authorities responsible for reimbursing expenditure incurred by beneficiaries. The Commission also pays a pre-financing scheme which ensures that the responsible authorities have the means to provide support to beneficiaries from the start of the implementation of the programme.

In addition to overseeing the implementation of Directive 2004/38/EC, in its role of the guardian of the treaties, the Commission issued guidance ⁽⁶⁾ covering the notion of 'sufficient resources' and the right on equal treatment.

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the EU and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L 158, 30.4.2004, p. 77 <http://data.europa.eu/eli/dir/2004/38/oj>

⁽²⁾ C-94/18, *Chenchooliah*, ECLI:EU:C:2019:693, and C-719/19, *Staatssecretaris van Justitie en Veiligheid*, ECLI:EU:C:2021:506.

⁽³⁾ <https://op.europa.eu/en/publication-detail/-/publication/404a8144-8892-11ec-8c40-01aa75ed71a1>

⁽⁴⁾ <https://www.consilium.europa.eu/en/press/press-releases/2022/12/01/new-european-agenda-for-tourism/>

⁽⁵⁾ <https://transition-pathways.europa.eu/policy/palma-declaration-eus-journey-community-sustainability-tourism>

⁽⁶⁾ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C_202301392