

EN

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Answer given by Mr Tzitzikostas
on behalf of the European Commission
(19.8.2025)

1. It follows from the jurisprudence of the Court of Justice that lower rates for local residents may under certain circumstances constitute indirect discrimination on the basis of nationality due to the fact that non-residents are in the majority of cases foreign nationals¹. However, measures establishing such differential treatment may be considered compatible with EU law when the pricing differences are based on objective considerations independent of nationality and are proportionate to the legitimate aim of the national provisions². Whether a particular pricing approach is compatible with EU law will depend on the factual and legal context, the rationale behind pricing, and how it is implemented in practice.

2. The objective of the Geo-blocking Regulation³ is to prevent unjustified geo-blocking and other forms of discrimination based, directly or indirectly, on customer's nationality, place of residence or place of establishment. It does not directly address preferential rates for local tourism services. A forthcoming evaluation of the Geo-blocking Regulation⁴ will give stakeholders the opportunity to present their views.

3. The Commission does not have general and conclusive scientific data about public acceptance of tourism in the EU, but partial studies address specific issues linked to unbalanced tourism. For example, the Joint Research Centre recently published a study exploring the nexus of housing, tourism and local liveability in three major cities⁵, finding that residents' perception of its liveability is not significantly affected by tourism increase. The upcoming EU Sustainable Tourism Strategy, currently in a consultation process⁶, may address the availability of such data.

¹ See e.g. judgment of 16 January 2003, *Commission v Italy*, C-388/01, EU:C:2003:30, par. 14 and judgment of 1 October 2009, *Gottwald*, C-103/08, EU:C:2009:59, par. 28.

² See e.g. judgment of 1 October 2009, *Gottwald*, C-103/08, EU:C:2009:59, par. 30.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.LI.2018.060.01.0001.01.ENG>.

⁴ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14416-Geo-blocking-Regulation-evaluation_en.

⁵ <https://publications.jrc.ec.europa.eu/repository/handle/JRC140885>.

⁶ https://transport.ec.europa.eu/news-events/news/have-your-say-upcoming-eu-sustainable-tourism-strategy-2025-06-23_en.