

(English version)

**Question for written answer E-002511/26
to the Commission
Tineke Strik (Verts/ALE)
(17 June 2026)**

Subject: Compatibility of Spanish banking practices with EU law on freedom of movement, non-discrimination and consumer protection

In accordance with the Bank of Spain's *Compendium of best banking practice criteria*, when assessing solvency, banks are entitled to use a stricter approach to mortgage credit in relation to nationals of other EU Member States resident abroad and Spanish nationals resident abroad. This stricter approach may conflict with EU law on the free movement of EU citizens, non-discrimination and consumer protection.

1. Is it compatible with EU law for a bank to impose more stringent requirements on nationals residing in another Member State, and is the criterion of residence in the territory of a Member State, leading to less favourable conditions in solvency assessments and mortgage offers, compatible with Directive 2004/38 ⁽¹⁾ and Articles 21, 26, and 45 of the Charter?
2. Do banks have an obligation to prevent mortgage offers to nationals residing in another Member State from including conditions that do not respect the proportionality principle set out in Directives 2023/2225 ⁽²⁾ and 2014/17 ⁽³⁾?
3. What safeguards should banks apply to prevent conditions in the creditworthiness assessment and mortgage offers from causing indirect harm to or penalties for Spanish nationals simply for having exercised their rights of free movement, and to prevent unequal treatment or discrimination in this regard?

Submitted: 17.6.2026

**Answer given by Ms Albuquerque on behalf of the European Commission
(13 August 2026)**

In order to prevent irresponsible lending practices and over-indebtedness and safeguard financial stability, both Directive 2014/17/EU ⁽¹⁾ and Directive (EU) 2023/2225 ⁽²⁾ require creditors to carry out a thorough creditworthiness assessment before providing a credit.

The creditworthiness assessment needs to be carried out on the basis of information on the consumer's income and expenses and other financial and economic circumstances, ensuring that such information is necessary, sufficient and proportionate.

In the case of mortgages, the residence of the consumer can only be relevant as far as it has an impact on the prospect of the consumer to meet the debt obligation resulting from the credit agreement.

Even if the creditworthiness assessment for a mortgage credit is positive, banks are in principle free to decide whether they provide a mortgage and, if so, under which conditions.

The Commission would however like to recall that the fundamental freedoms of the Treaty, including the free movement of capital, services and persons, bind the authorities of the Member States and generally prohibit discriminations and restrictions, whatever their form, unless they are objectively justified and proportionate to an overriding reason of public interest.

¹ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (ELI: <http://data.europa.eu/eli/dir/2004/38/oj>).

² Directive (EU) 2023/2225 of 18 October 2023 on credit agreements for consumers (ELI: <http://data.europa.eu/eli/dir/2023/2225/oj>).

³ Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property (ELI: <http://data.europa.eu/eli/dir/2014/17/oj>).

⁽¹⁾ Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property (ELI: <http://data.europa.eu/eli/dir/2014/17/oj>).

⁽²⁾ Directive (EU) 2023/2225 of the European Parliament and of the Council of 18 October 2023 on credit agreements for consumers and repealing Directive 2008/48/EC (ELI: <http://data.europa.eu/eli/dir/2023/2225/oj>).