

EN
E-002731/2026
Answer given by Mr Brunner
on behalf of the European Commission
(17.9.2026)

According to settled case-law of the Court of Justice of the European Union, it is for each Member State, having due regard to international law, to lay down the conditions for the grant and loss of the nationality of a Member State, while its powers must be exercised having due regard to EU law¹.

Where a Member State awards nationality, the person concerned automatically becomes an EU citizen in accordance with Article 9 of the Treaty on European Union² and Article 20(1) of the Treaty on the Functioning of the European Union³. EU citizens enjoy the right to move and reside within the territory of the Member States as enshrined in the EU Treaties and further regulated in Directive 2004/38/EC⁴.

Directive 2004/38/EC allows Member States to restrict the freedom of movement and residence of EU citizens on grounds of public policy, public security or public health, provided that the restrictive measures comply with the principle of proportionality and are based exclusively on the personal conduct of the individual concerned, which must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.

¹ Judgment of 29 April 2025, *Commission v Malta (Citoyenneté par investissement)*, C-181/23, EU:C:2025:283, paragraph 81 and the case-law cited.

² Consolidated version of the Treaty on European Union. OJ C 326, 26.10.2012, pp. 13 – 45.

³ Consolidated version of the Treaty on the Functioning of the European Union. OJ C 326, 26.10.2012, pp. 47–390.

⁴ 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. OJ L 158, 30.4.2004, pp. 77–123, ELI: <http://data.europa.eu/eli/dir/2004/38/oj>.