

(English version)

**Question for written answer E-003118/26
to the Commission**

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(24 July 2026)

Subject: Compatibility with EU law of legislative measures adopted by the Parliament of the Autonomous Community of Valencia with regard to ‘national priority’

This week, the Parliament of the Autonomous Community of Valencia adopted a legislative amendment introducing the so-called ‘national priority’ principle and criteria concerning people’s connection to the region, in order to access certain public aid and housing programmes ⁽¹⁾. Implementing this measure may affect EU citizens and other persons with equal treatment rights recognised by EU law, and — should it come in reach of programmes financed in whole or in part by EU funds — it also raises doubts as to the correct application of EU law.

1. Does the Commission consider access criteria based on the ‘national priority’ principle to be compatible with Articles 18, 20 and 21 of the Treaty on the Functioning of the European Union, Articles 20 and 21 of the Charter of Fundamental Rights, and the principles of equal treatment and non-discrimination?
2. What obligations do Member States have when these criteria concern EU citizens or other persons with rights recognised by EU law and, where applicable, programmes financed in whole or in part by EU funds?
3. Does the Commission intend to analyse the compatibility of these provisions with EU law and, if it finds an infringement, to exercise the powers conferred on it by the Treaties, including those powers relating to the correct implementation of EU funds?

Submitted: 24.7.2026

**Answer given by Mr McGrath on behalf of the European Commission
(15 September 2026)**

The Commission is aware of the developments referred to by the Honourable Members.

Every EU citizen may rely on Article 18 of the Treaty on the Functioning of the European Union, which prohibits any discrimination on grounds of nationality in situations falling within the scope of EU law ⁽¹⁾.

That principle, given specific expression in Article 24 of Directive 2004/38/EC ⁽²⁾, regarding EU citizens exercising free movement, prohibits not only direct discrimination on grounds of nationality but also all indirect forms of discrimination which, by the application of other criteria of differentiation, lead in fact to the same result ⁽³⁾.

Indirect discrimination can be justified only if it is based on objective considerations independent of the nationality of the persons concerned and proportionate to the legitimate objective of the national provisions ⁽⁴⁾.

The EU legal migration Directives ⁽⁵⁾ provide for equal treatment between Member States’ nationals and third-country nationals to the extent covered by those Directives, including, where applicable, regarding social security and access to goods and services made available to the public, including housing.

The scope of equal treatment varies between the directives and, in certain areas, Member States may apply the specific limitations or conditions expressly provided for therein. The EU asylum *acquis* similarly provides for rights as regards access to accommodation, social security and social assistance ⁽⁶⁾.

¹ <https://elpais.com/espana/comunidad-valenciana/2026-07-22/les-corts-valencianes-aprueban-los-primeros-presupuestos-en-espana-que-incluyen-la-prioridad-nacional-de-vox.html>.

⁽¹⁾ Judgment of 12 May 1998, *María Martínez Sala v Freistaat Bayern*, C-85/96, EU:C:1998:217 paragraph 63; judgment of 15 March 2005, *The Queen, on the application of Dany Bidar v London Borough of Ealing and Secretary of State for Education and Skills*, C-209/03, EU:C:2005:169, paragraphs 32 and 33; judgment of 18 November 2008, *Jacqueline Förster v Hoofddirectie van de Informatie Beheer Groep*, Case C-158/07, EU:C:2008:630, paragraphs 36 and 37; and judgment of 13 April 2010, *Nicolas Bressol and Others and Céline Chaverot and Others v Gouvernement de la Communauté française*, C-73/08, EU:C:2010:181, paragraph 31.

⁽²⁾ Directive 2004/38/EC, <https://eur-lex.europa.eu/eli/dir/2004/38/oj>.

⁽³⁾ See, to that effect, judgment of 13 April 2010, *Nicolas Bressol and Others and Céline Chaverot and Others v Gouvernement de la Communauté française*, C-73/08, EU:C:2010:181, paragraph 40 and the case-law cited.

⁽⁴⁾ Judgment of 4 October 2012, *European Commission v Republic of Austria*, C-75/11, EU:C:2012:605, paragraph 52 and the case-law cited.

⁽⁵⁾ Council Directive 2003/109/EC, Directive 2014/36/EU, Directive 2014/66/EU, Directive (EU) 2016/801, Directive (EU) 2021/1883, and Directive (EU) 2024/1233.

⁽⁶⁾ See Articles 17, 19 and 20 of Directive (EU) 2024/1346 and Articles 31 and 34 of Regulation (EU) 2024/1347.

Member States and the Commission are responsible for ensuring compliance with the Charter of Fundamental Rights of the European Union in the implementation of EU funds.

The Commission continuously monitors Member States' compliance with EU law.
