EN
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Answer given by Executive Vice-President Séjourné
on behalf of the European Commission
(26.10.2026)

According to Article 5 of Regulation (EU) 2024/1028 on data collection and sharing relating to short-term accommodation rental services[1], Member States are allowed to ask hosts wishing to obtain a registration number, whether the unit is subject to an authorisation scheme and if so, whether the host has obtained such authorisation.

According to Article 4(6) of Directive 2006/123/EC on services in the internal market[2] an 'authorisation scheme' means any procedure under which a provider or recipient is in effect required to take steps in order to obtain from a competent authority a formal decision, or an implied decision, concerning access to a service activity or the exercise thereof. In *Cali Apartments*[3] (C-724/18 and C-727/18), the Court of Justice confirmed that national legislation making short-term letting of residential premises subject to a formal decision of a competent authority is an 'authorisation scheme'. The Court accepted combating the rental housing shortage as an overriding reason relating to the public interest capable of justifying such a scheme, if proportionate and the objective cannot be attained by a less restrictive measure. Further clarification is expected from the Court's judgment in *Smartflats*[4] (C-813/24).

The Commission does not have at this moment all the elements to assess whether Ireland's proposed short-term rental framework would constitute an authorisation scheme or meet the conditions of Article 9 of that Directive.

Member States may have to notify the Commission and other Member States of any provisions they adopt that could constitute a barrier to the internal market, under Directive (EU) 2015/1535[5] and/or Directive 2006/123/EC. However, the proposed Affordable Housing Act[6], removes the notification obligation under Directive 2006/123/EC for measures safeguarding housing affordability and availability.

[1] https://eur-lex.europa.eu/eli/reg/2024/1028/oj/eng.
[2] https://eur-lex.europa.eu/eli/dir/2006/123/oj/eng.
[3] Joined Cases C-724/18 and C-727/18, *Cali Apartments SCI and HX v Procureur général près la cour d'appel de Paris and Ville de Paris*.
[4] Case C-813/24, *Smartflats SA v Région de Bruxelles-Capitale*.
[5] https://eur-lex.europa.eu/eli/dir/2015/1535/oj/eng.
[6] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52026PC0599.