

(English version)

**Priority question for written answer P-002930/26
to the Commission
Jorge Buxadé Villalba (Pfe)
(15 July 2026)**

Subject: Spain's 'Grandchildren's law' and breach of European Union law

While nationality falls within the competence of States, the CJEU has cautioned that the principle of sincere cooperation, the area of security and justice and the Charter of Fundamental Rights of the European Union encompass provisions that States must respect. The Spanish 'Grandchildren's Law' ⁽¹⁾, which establishes an exceptional provision for the acquisition of Spanish nationality, has led to a flood of applications at Spanish consulates, following a fraudulent directive issued by the Government that alters the legislation. The following questions are put to the Commission in light of Article 20 TFEU, Article 4(3) TEU and Article 39(1) of the Charter:

1. Does the Commission consider that the granting of nationality to foreigners on a massive scale without requiring criminal record checks jeopardises the area of freedom, security and justice?
2. Does it consider it compatible with the 'genuine link' requirement established by the CJEU ⁽²⁾ for the Spanish Government to grant nationality to foreigners whose parents have renounced Spanish nationality and have never resided in Spain?
3. Does it consider it a risk that the Spanish Government has resorted to contracting public companies from countries such as Cuba to manage the process?

Submitted: 15.7.2026

**Answer given by Mr McGrath on behalf of the European Commission
(27 August 2026)**

According to settled case-law, it is for each Member State, having due regard to international law, to lay down the conditions for the acquisition and loss of the nationality, while those powers must be exercised having due regard to EU law ⁽¹⁾.

It follows from this case-law that the definition of the conditions for granting the nationality of a Member State does not fall within the competence of the EU, but within that of each Member State, which has a broad discretion in the choice of the criteria to be applied, provided that those criteria are applied in compliance with EU law.

In *Commission v Malta (Citoyenneté par investissement)* ⁽²⁾, the Court established that a Member State breaks the mutual trust on which EU citizenship is based, in breach of Article 20 of the Treaty on the Functioning of the EU and the principle of sincere cooperation enshrined in Article 4(3) of the Treaty on EU, when it establishes and implements a naturalisation scheme based on a transactional procedure between that Member State and persons submitting an application under that programme, at the end of which the nationality of that Member State and, therefore, the status of EU citizen, is essentially granted in exchange for predetermined payments or investments.

The provisions of Spanish law raised by the Honourable Member do not appear to constitute a commercialisation of the granting of the nationality of a Member State following a transactional procedure and, as a result, do not appear comparable to the situation that give rise to the above-mentioned Court ruling.

¹ Disposición adicional octava de la Ley 20/2022, de 19 de octubre, de Memoria Democrática.

² STJUE C-181/23.

⁽¹⁾ Judgments of 7 July 1992, *Mario Vicente Micheletti and others v Delegación del Gobierno en Cantabria*, C-369/90, EU:C:1992:295, paragraph 10; judgment of 2 March 2010, *Janko Rottman v Freistaat Bayern*, C-135/08, EU:C:2010:104, paragraph 45; and judgment of 5 September 2023, *X v Udlændinge- og Integrationsministerie* (Loss of Danish nationality), C-689/21, EU:C:2023:626, paragraph 28 and the case-law cited.

⁽²⁾ Judgment of 29 April 2025, *European Commission v Republic of Malta (Citoyenneté par investissement)*, C-181/23, EU:C:2025:283, paragraph 99.