

(English version)

**Priority question for written answer P-003105/26
to the Commission
Juan Fernando López Aguilar (S&D)
(23 July 2026)**

Subject: Unitary use principle for tourist establishments

Article 49 of the TFEU prohibits restrictions on freedom of establishment. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market also enshrined that principle.

Some regions in Spain apply the principle of unitary use for tourist establishments. Under that principle, small-scale owners of holiday apartments or bungalows are forced to hand them over to an operator, which, in an abuse of its dominant position, pays the legitimate owners pitiful sums in respect of the profits made. Owners have no choice but to hand their property over to those companies, as they cannot use their property themselves, or rent it out themselves, on pain of financial penalties.

Given this state of affairs:

1. What is the Commission's position on the principle of unitary use vis-à-vis Article 49 TFEU?

Submitted: 23.7.2026

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(28 August 2026)**

In December 2004, the Commission initiated an infringement procedure [INFR(2002)4861⁽¹⁾] addressing the so-called principle of unified operation laid down in the Canarian legislation, under which one single undertaking must exploit the activity of tourist accommodation in each one of the accommodation units (mainly flats) in establishments (mainly buildings) entirely intended for tourist activity.

The Commission considered that this principle unduly restricted the free reception and the free provision of services under Article 49 of the Treaty Establishing the European Community (at present, Article 56 of the Treaty on the Functioning of the European Union (TFEU)).

A reasoned opinion was adopted in July 2005. The Commission closed the infringement in April 2006, considering that the applicable law to the lease of accommodation without additional services for touristic purposes was the (national) Urban Lease Act 29/1994, which did not lay down the principle of unified operation. In practice, regional legislation laying down that principle did apply to this type of lease.

However, since 2022, the Commission has received several complaints against the principle of unified operation laid down in the legislation of several Spanish regions, noting that the Urban Lease Act was amended in 2013 and, since then, leases of accommodation for tourist purposes have been explicitly excluded from its scope, so that principle as laid down in regional legislation is fully applicable.

The Commission has addressed this issue with the Spanish authorities, in the light of Directive 2006/123/EC on services in the internal market⁽²⁾ and Article 49 TFEU. The Commission will take a decision on these complaints in due time.

⁽¹⁾ [https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?typeOfSearch=byCase&langCode=EN&version=v1&refId=INFR\(2002\)4861&page=1&size=10&order=desc&sortColumns=refId](https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?typeOfSearch=byCase&langCode=EN&version=v1&refId=INFR(2002)4861&page=1&size=10&order=desc&sortColumns=refId).
⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32006L0123>;
<https://eur-lex.europa.eu/eli/dir/2006/123/oj/eng>.