Council of the European Union

Brussels, 10 September 2026
(OR. en)

12967/26
ADD 4

Interinstitutional File:
2026/0268 (COD)

COMPET 1047
MI 862
SOC 586
CODEC 1634
FIN 1243
COH 141
ENER 560
IA 221

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	9 September 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2026) 607 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT [...] Accompanying the document Proposal for a Regulation of the European Parliament and of the Council on the Affordable Housing Act

Delegations will find attached document SWD(2026) 607 final.

Encl.: SWD(2026) 607 final

EUROPEAN
COMMISSION

Brussels, 9.9.2026
SWD(2026) 607 final

COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT

[…]

Accompanying the document

Proposal for a Regulation of the European Parliament and of the Council

on the Affordable Housing Act

{COM(2026) 599 final} - {SEC(2026) 599 final} - {SWD(2026) 605 final} - {SWD(2026) 606 final}

Executive Summary Sheet

Impact assessment on the proposal for a Regulation of the European Parliament and of the Council on the Affordable Housing Act

A. Need for action

What is the problem and why is it a problem at EU level?

Public authorities are increasingly adopting housing-related measures, including those affecting short-term rentals and the acquisition or use of residential property for non-primary residence that may restrict internal market freedoms. The CJEU has recognised that housing affordability and availability may constitute an overriding public interest capable of justifying restrictions affecting internal market freedoms and existing Union law, but they only provide general principles. This creates legal uncertainty regarding the conditions under which housing-related measures may be introduced and increases administrative burden, compliance costs and litigation. Without further EU action, difficulties in identifying, justifying and designing housing-related interventions compatible with Union law will persist.

What should be achieved?

The initiative establishes a common framework for the assessment, justification and proportionality of housing-related measures affecting internal market freedoms in areas under housing stress. Its general objectives are to improve legal certainty, transparency and predictability, and to ensure that restrictions are proportionate and used only as a last resort.

What is the added value of action at EU level (subsidiarity)?

The added value of this action is a common procedural framework that preserves local flexibility while ensuring consistency with EU law.

B. Solutions

What are the various options to achieve the objectives? Is there a preferred option or not? If not, why?

In addition to the baseline, three options are considered.

Option 1: a soft-law approach, based on non-binding Commission guidance on identifying housing stress, designing housing-related measures and supporting housing supply.

Option 2: a legislative framework with common procedural rules and a flexible methodology. Authorities would retain discretion over whether and how to act, but where they rely on housing stress to justify restrictions, they would apply objective and transparent criteria.

Option 3: a prescriptive legislative approach, requiring Member States to regularly assess housing affordability across their territories, apply harmonised thresholds, designate stressed areas and prepare housing acceleration plans.

Option 2 is the preferred option. It improves legal certainty, transparency and consistency, while introducing common evidential and procedural safeguards.

What are different stakeholders' views? Who supports which option?

Consultations showed broad agreement that STR activity is not the principal driver of housing stress and that structural supply constraints deserve greater attention. Increased support for the procedural harmonisation model under Option 2 was shown, provided subsidiarity and local discretion are respected.

C. Impacts of the preferred option

What are the benefits of the preferred option (if any, otherwise main ones)?

The main benefits are improved legal certainty, transparency, predictability and consistency in the application of Union law, reduced administrative burden, compliance costs and avoidable litigation.

What are the costs of the preferred option (if any, otherwise main ones)?

The main costs would fall on competent authorities that choose to rely on the framework when designating

areas under housing stress and justifying housing-related restrictions affecting internal market freedoms. These costs are expected to be moderate and partly offset by common criteria, methodologies and data.

What are the impacts on SMEs and competitiveness?

SMEs (professional STR hosts, property managers and ancillary services) may be affected indirectly where local restrictions are introduced. SMEs operating across several local markets should benefit from greater legal certainty and predictability. Competitiveness effects are expected to be limited and broadly neutral. Effects on businesses are indirect and depend on local implementation. Greater legal certainty, transparency and predictability are expected to reduce regulatory uncertainty and compliance costs for economic operators active across multiple jurisdictions.

Will there be significant impacts on national budgets and administrations?

The main direct impact would fall on administrations that decide to use the framework. These costs are expected to be proportionate and partly offset by the availability of common criteria and methodologies. The preferred option does not impose mandatory housing investment obligations or harmonised housing plans.

Will there be other significant impacts?

The preferred option may have positive social impacts by helping authorities adopt better justified, targeted measures to protect housing availability and affordability for residents. Environmental impacts are mixed and indirect. The climate consistency check is positive, as new construction or climate-relevant technical standards is not required, and better use of existing buildings is encouraged. The initiative is coherent with Regulation (EU) 2024/1028 on registration and data-sharing for short-term accommodation rentals.

Proportionality?

The preferred option is proportionate: it establishes common procedural requirements only where competent authorities choose to rely on housing stress to justify measures affecting internal market freedoms. It leaves to competent authorities the key decisions of whether to act, where to act and which measures to adopt.

D. Follow-up

When will the policy be reviewed?

Monitoring will cover operation of the governance framework, the evidence underpinning housing-stress assessments and measures, legal challenges and the treatment of housing-supply considerations. The first evaluation should take place not earlier than five years after adoption.