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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Competitiveness and Growth (Internal Market - Attachés) Working Party on Competitiveness and Growth (Internal Market)
Subject:	Affordable Housing Act – Initial comments and questions from Member States (AT, BE, BG, DE, DK, EL, FI, FR, HR, IT, LV, NL, PL, PT, SE, SI, SK) on doc. 12967/26 INIT following the Working Party Competitiveness and Growth (Internal Market) meeting on 22 September 2026 (agenda item 2.)

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AT comments on the Affordable Housing Act

General comments:

Austria generally welcomes the European Commission's efforts to find solutions for affordable housing.

In Austria, the national position has not been finalised; therefore, a general scrutiny reservation is being maintained. In particular, the proposed European legal framework for so-called "areas under housing stress" must still be subjected to a thorough review from the perspective of all affected sectors and stakeholder groups, particularly social housing, the business sector, and tourism.

For Austria, adherence to the principles of subsidiarity and proportionality is essential. It should be noted that the authority in the area of housing remains exclusively with the member states. Housing markets are highly heterogeneous, and effective measures must be taken at the regional and local levels.

Austria is also questioning the choice of legal basis (Art 114 TFEU – Internal market): Unlike people, goods, capital, and services, housing is not a tradable, mobile, or arbitrageable good; rather, it is a physical and location-specific good that cannot be traded or moved.

Comments on individual provisions:

Draft Regulation	Comment
Art 1	From an Austrian perspective, it seems problematic that member states are only permitted to implement measures in areas experiencing housing stress. The ability of cities and municipalities to take the measures they deem necessary when the displacement of regular housing is clearly foreseeable should not be restricted.

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Art 2	Which measures are to be covered by Art 2/2?
Art 5 Requirements for measures to safeguard housing affordability and availability	Art 5/2: Why are residential properties in which the host has his or her primary residence excluded from the scope of application? Are member states prohibited from enacting regulations concerning the primary residence? What is the rationale for this?
Art 6 Assessment of Housing stress	From an Austrian perspective, it appears problematic that member states are only permitted to implement measures in areas experiencing housing stress. Defining an "area under housing stress" based on rigid European threshold does not seem effective, as it cannot adequately reflect the diverse realities in the member states. Therefore, the decision regarding which criteria are decisive at the local level should remain with the relevant national, regional, and local authorities. Furthermore, the price-to-income ratio does not necessarily reflect the pressures in the rental housing market. Austria has a housing market with a rental rate of approximately 52%. Relying solely on the price-to-income ratio leads to distortion. To identify an "area under housing stress ", other indicators should therefore also be considered (e.g., housing cost burden, availability of affordable housing). If specific indicators are used as a basis, it should also be explained where the data, methods, and metadata used to calculate the indicators, such as the price-to-income ratio, are or will be available and accessible. The regulation refers to work conducted by the Joint Research Center (JRC) and to the "Mapadomo" database. However, the relevant calculation methods, quality characteristics, statistical assumptions, and uncertainties do not currently appear to be sufficiently documented. The definition assurance of statistical methods should be carried out with appropriate involvement of the European Statistical System. Article 6 paragraph 5: The delegation of authority to the European Commission, as set out in Art 6 Paragraph 5, is viewed critically, since a potential future adjustment of the housing market-related thresholds could subsequently alter the scope of the powers of intervention under Art 5. According to Art 290 TFEU, delegated acts may, under the basic structure of Union Law, only supplement or amend non-essential provisions of a legislative act; it is questionable whether non-essential elements would be amended in this case.

Art 12: Duration and review	Austria generally considers the proposed regular review of measures to be sensible. However, a rigid five-year timeframe must not mean that the federal states and municipalities are constantly required to justify their protective measures, entailing a disproportionate administration burden. What is needed are practical procedures, appropriate data, and financial support for the relevant authorities.
Art 14	In general, Article 14 provides protection for measures that Member States adopted prior to the AHA's entry into force. What happens if an existing measure is amended after the AHA's entry into force? Is the AHA applicable?

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AT comments on the Commission´s Recommendation

General comments:

Austria recognizes the significance of the Europe-wide housing crisis and the need for action; the recommendations regarding the expansion of social and nonprofit housing, an active public land policy, the utilization of vacant buildings, the renovation and repurposing of existing housing stock, and long-term public financing instruments are steps in the right direction.

Austria has a proven system of social and nonprofit housing that can serve as a model for other member states, but it should not be watered down. The proposed 20-year social housing commitment represents a watering down of the Austrian model and should therefore be replaced by a permanent social housing commitment.

Caution is warranted regarding the proposed measures to expedite construction procedures, as they must not compromise safety, accessibility, compliance with environmental standards, or the rights of neighboring communities.

Proposals to simplify building permit procedures require a holistic approach; efforts to streamline procedures are already underway in various sectors (energy, infrastructure), and procedural law must not become fragmented. EU legal requirements regarding procedural law should be designed to be as uniform and coordinated as possible.

Unfortunately, the Commission’s recommendation on housing lacks a clear gender-specific perspective, which should, however, be taken into account when collecting relevant data and creating modern and affordable housing.

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Comments on individual provisions:

Regarding recommendation No.9, it should be noted that it is not sufficient to promote social and nonprofit housing exclusively in "areas under housing stress". Social and nonprofit housing should not be geographically limited but should be available throughout the entire housing market.

Regarding recommendation No. 16 lit. c: A textual amendment is proposed:

"Competent authorities should mobilise public and private investments for housing supply in and around areas under housing stress, in particular for housing below market rates and affordable housing for students and apprentices, including by:"

Point (c) "*exploring the establishment of revolving funds, which require the mandatory reinvestment of* ***almost*** *all profits in the provision of the service concerned, for affordable and social housing providers, as well as public land agencies, land banks and development corporations;"*

Explanation: Under the Austrian system of nonprofit housing construction, profit distributions to shareholders are permitted on to a very limited extent: profits may be distributed only up to 3,5% of the share capital. This system should remain in place and under no circumstances be undermined by higher profit distributions.

Regarding recommendation No. 16: Can the European Commission provide more detailed information on the financing instruments mentioned in the recommendation? The Europeans Commission's recommendations refer to voluntary national financing hubs, revolving funds, and specific financing instruments developed by the EIB, CEB and EBRD. Since the statutory mandates of these international financing instruments differ, not all of them can comply with the recommendations to the same extent.

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BE Comments

The housing crisis is a serious issue that merits addressing, and the Commission aims to provide a framework for measures regarding housing affordability and availability. However, Belgium worries that the proposed regulation might primarily impose additional administrative, procedural, and legal obligations on member states, regions, and local authorities without sufficient guarantee of an effective contribution to a more affordable housing supply.

The proposed approach is viewed as a significant restriction on policy discretion and local autonomy. It goes beyond establishing a European framework; in several instances, it prescribes how public authorities must justify, evaluate, and design measures. This creates a conflict with the principle of subsidiarity.

As stated in the working party last week, we have the following questions and comments:

- Is a regulation the appropriate legal instrument? A directive would allow member states more scope to take local circumstances, available data, and existing policy frameworks into account.

- Article 2 : does the regulation also apply to student housing in residential property and temporary housing for posted workers?

- Article 4 : definition of price-to-income ratio : we believe that there is a discrepancy in the text, as the definition refers to the price of a dwelling of average size, while the annex refers to the average transaction price of a dwelling in the area concerned.

- Article 6: The proposed price-to-income ratio as the central indicator for delineating areas is insufficient. The indicator is based solely on purchase prices and offers little insight into affordability within the rental market. Furthermore, house prices do not always reflect the level of the mortgage burden itself; low prices combined with high interest rates place just as much pressure on affordability as high prices combined with low interest rates. A fixed interest rate combined with automatic indexation of incomes, as is the case in Belgium, is also a factor that influences this indicator.

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- Articles 8–13: in our view these provisions offer little added value, as they are already part of national and European law. Moreover, they are overly prescriptive, thereby restricting local, regional, and national policy discretion. Why include them in such detail in this proposal?

- Article 14 and 17: There is no transitional period to bring existing measures in line with the regulation. We understand the Commission's point about not having a pre-existing legal act; however, it is our administrations' point of view that we do need time to align, therefore we would appreciate the inclusion of a transition period.

- Article 15: The delegation of powers concerns the methodology to delineate areas under housing stress. It seems the delegation grants the Commission broad powers to alter the effective scope of application of this regulation, without being subject to specific requirements that justify the adoption of a delegation. It seems that the Commission considers the methodology a non-essential technical matter but determining the thresholds and calculation method is a crucial and essential part of this regulation. We believe that a solution should be found for member states to have a degree of input in case changes are made in the methodology and that the text should describe under which conditions the Commission can alter the methodology. Also, an editing note: the article it refers to should be article 6.5, not article 6.3.

- Annex: is the territorial scale (NUTS 2/NUTS 3) not too broad? Housing policy is implemented at the municipal level. Furthermore paragraph 2 mentions that the Commission will provide annual time series of the net disposable income of private households per capita. In paragraph 1, no such provision is mentioned regarding the average transaction cost of dwellings. Also, in paragraph 2, it is not clear what the Commission means with 'or equivalent projections'. In paragraph 3, the calculation method refers to the purchase of an existing dwelling of average size, while in paragraph 1, the text refers to the average transaction price of a dwelling in the area concerned. There is a discrepancy between the two. Also, why is the transaction price of newly built dwellings not included?

- Recital 36: This recital states that the regulation only applies to property acquired after the date of application of the measure and that persons who acquired property before that date should therefore not be subject to new restrictions linked to that acquisition imposed under this regulation. Does it mean that the existing stock of STR and other non-primary use of dwellings can't be regulated? Is it possible to clarify the scope of this recital?

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POSITION OF THE REPUBLIC OF BULGARIA
on the proposal for a Regulation establishing a framework for measures in Member States to safeguard housing affordability and availability – Affordable Housing Act
(doc. 12967/26 and ADD 1-5).

The Republic of Bulgaria supports the principle underpinning the proposed Regulation that it should be for the competent national, regional and local authorities to decide whether and how to introduce restrictive measures, rather than imposing an obligation on them to adopt such measures. The choice as to whether and how to act should remain within the competences of the authorities at national, regional and local level.

With regard to **Article 2(1)(b)** we have the following considerations:

Bulgaria has reservations regarding the proposed restriction on the acquisition or use of residential properties that are not acquired or used as a primary residence, irrespective of whether they are occupied by the owner or by another person.

Bulgaria considers that such a restriction affects a fundamental right, namely the right to acquire and own property, which constitutes a fundamental property right under the legal systems of the EU Member States. Any restrictions on this right, including temporary restrictions, should therefore be subject to specific requirements and safeguards ensuring their proportionality, legal certainty and effective implementation.

Bulgaria considers that the application of such a measure could lead to practical difficulties, including potential future litigation. Although temporary in nature, a measure such as a prohibition could have a significant impact on the functioning of the internal market, including the free movement of capital. Consequently, such measures should be supported by specific, objective and verifiable evidence and should be strictly limited in their territorial and material scope.

Furthermore, Bulgaria questions the effectiveness of such a measure, as restricting the acquisition or use of properties that are not primary residences does not, in itself, address the structural causes of housing shortages related to insufficient housing supply. Therefore, a specific causal link should be demonstrated between the activity concerned and the reduction in the availability or affordability of housing in the territory concerned.

In this regard, Bulgaria considers that **Article 2(1)(b) should be deleted**.

Should Article 2(1)(b) be retained in the draft Regulation, Bulgaria proposes that ***Articles 6 and 10 be reconsidered and supplemented*** *in order to establish additional requirements for the application of this measure and to provide adequate safeguards for legal certainty.*

Bulgaria also considers that the five-year period for reviewing an imposed measure restricting the acquisition or use of residential properties is excessively long. Therefore, where such a restrictive measure is applied, the period for reviewing the conditions justifying its imposition should be reduced to two years.

In this context, Bulgaria proposes the following amendment to **Article 12(1)**:

> "The measures referred to in Article 2, point (a), shall be adopted for a period not exceeding five years, while the measures referred to in Article 2, point (b), shall be adopted for a period not exceeding two years."

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With regard to **Article 12(2)**, Bulgaria considers that a five-year period for carrying out the initial review of a measure is excessively long. Bulgaria therefore proposes that the initial review should take place:

- for measures referred to in **Article 2(1)(a)**, no later than three years after the adoption of the measure; and
- for measures referred to in **Article 2(1)(b)**, no later than two years after the adoption of the measure.

With regard to measures concerning persistently vacant dwellings, Bulgaria considers that priority should be given to the renovation, refurbishment and conversion of administrative and other non-residential buildings into residential premises, rather than to the use of privately owned residential properties that are temporarily or permanently vacant.

As regards long-term vacant private residential properties, Bulgaria considers that making such properties available for residential purposes or including them in measures aimed at increasing housing supply should take place only with the explicit consent of the owners, with full respect for the right to property enshrined in the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights, as well as for the principle of proportionality of the measure applied.

In this regard, Bulgaria proposes that the draft Regulation provide that measures concerning long-term vacant dwellings should be accompanied by social incentives for owners who have expressly consented to their property being used.

Bulgaria supports the approach expressed in the draft Regulation that, when applying measures concerning long-term vacant dwellings, the competent authorities should take into account the reasons for vacancy, including regional differences, employment, education, health-related reasons, dependency and social emergency.

In this context, Bulgaria also proposes that, with regard to the measures under **Article 2(1)(b)**, specific limitations be introduced to exclude certain situations from their scope and to ensure the proportionality of the measures.

Finally, Bulgaria considers that restrictions on short-term rentals and restrictions on the acquisition or use of residential properties that are not primary residences, even where such restrictions are temporary and subject to the proposed maximum period of five years, affect the freedoms of the internal market.

Therefore, Bulgaria considers that any such measure should be subject to a particularly rigorous assessment of its necessity, justification and proportionality.

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Comments by Germany – Affordable Housing Act – Doc. 12967/26

Please find below our primary observations. We look forward to contributing further comments and amendments on the proposed articles and recitals as the negotiations progress. Furthermore, draft suggestions will be submitted in timely manner.

Proposal	Comments
(…)	
Article 1 **Subject matter** This Regulation establishes a common framework for measures taken by competent authorities to safeguard housing affordability and availability with a view to improving the conditions for the establishment and functioning of the internal market. It lays down common rules to ensure that measures taken pursuant to this Regulation are justified, transparent, proportionate and subject to review.	We request the addition of a second paragraph with regard to Recitals 13 and 14, which expressly states that the Regulation is not intended to harmonise housing policy choices and that competent authorities should retain the ability to determine whether intervention is necessary and which measures are most appropriate in light of local housing conditions. Including this safeguard in the operative provisions would enhance legal certainty and ensure that the requirements of the Regulation are interpreted consistently with the allocation of competences within the Member States. This is particularly important in decentralized systems where regional or local authorities determine, within their respective competences, whether and where housing-protection measures are necessary.
Article 2 **Scope** 1. This Regulation applies to the following measures taken by competent authorities, where those measures are justified by the necessity to safeguard housing affordability and availability:	With regard to Art. 2(1)(b): The provisions concerning the acquisition or use of land would, depending on the interpretation, override large parts of German planning law, especially those protecting affordable housing under national definition. This goes far beyond the objective pursued by the Regulation of creating legal certainty for certain measures. It can also

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(a) measures restricting access to, or the provision of, short-term accommodation rental services in residential property; (b) measures restricting the acquisition or use of land and residential property that is not acquired or used for the purpose of a primary residence, whether occupied by the owner or by another person. 2. This Regulation does not apply to measures taken solely for overriding reasons relating to the public interest other than the need to safeguard housing affordability and availability.	significantly impair national efforts to ensure the availability and affordability of housing. From our point of view, the proposed regulation of measures concerning the acquisition or use of land or residential property is incompatible with the principle of subsidiarity. We request the deletion of Art. 2(1)(b) and ask the Presidency to task the Legal Service of the Council with the assessment whether Article 2(1)(b) is compatible with Article 5(3) of the EU Treaty. Furthermore, the direct link to the functioning of the EU internal market within the meaning of Article 114 of the Treaty on the Functioning of the EU is not apparent. Pursuant to Recital 33, other measures relating to residential property and housing, including measures regulating rents under residential tenancy contracts, should remain outside the scope of this Regulation. This constitutes a substantive provision. For reasons of legal certainty it must be included in Art. 2 of the Regulation. This is particularly important for planning and land-use instruments. The proposed clarification preserves the distinction between planning instruments and measures specifically regulating short-term accommodation rental services. Furthermore, limiting the exclusion to rent regulation would create an artificial distinction within residential tenancy law. The clarification is necessary to exclude the apparently unintended legal consequence that all member state regulation, in particular land law, planning provisions or tax law, is measured against the requirements of this Regulation, if it factually also affects the short-term rental of housing.
Article 3 **Relationship with other Union acts**	

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1. The measures referred to in Article 2(1), point (a) shall not be subject to Directive 2006/123/EC, including the notification obligation laid down in Article 15(7) of that Directive. 2. This Regulation does not apply to any measures taken by competent authorities for the sole purpose of applying the provisions on registration laid down in Chapter II of Regulation (EU) 2024/1028.	
Article 4 **Definitions** For the purposes of this Regulation, the following definitions apply: (1) 'competent authority' means a national, regional or local authority of a Member State that is competent to apply this Regulation, including to take measures restricting access to, or the provision of, short-term accommodation rental services or restricting the acquisition or use of land and residential property; (2) 'area under housing stress' means a clearly delimited subnational geographical area where a mismatch between housing supply and housing demand gives rise to observable pressures on the housing market, on the basis of an assessment carried out by the competent authority in accordance with Article 6; (3) 'residential property' means immovable property intended for housing purposes; (4) 'primary residence' means the residential property in which a natural person continues habitually to reside, and where the habitual centre of their interest is also situated, as further defined under national law; (5) 'price-to-income ratio' means the ratio between the representative price of a dwelling of average size in a specific area, expressed in euro, and the representative disposable income per capita, expressed in euro;	We request a clarification that the definitions only apply within the scope of this Regulation. They should not be understood to apply to those measures taken by Member States for the purpose of safeguarding housing affordability and availability, that are not expressly regulated in the Regulation. This is necessary, as it is not entirely clear, what the "purposes of this Regulation" are: • only those measures specifically regulated in Art. 5 Para 1 and 2? • any measures taken by Member States for the purpose of safeguarding housing affordability and availability? • For establishing the conditions and requirements applicable where such measures are taken? The latter would be unacceptable because they could cause uncertainties in the application of several measures for the purpose of safeguarding housing affordability and availability, that are already established under German law. The concept of a primary residency is closely linked to the national registration, residence and housing law. Since a separate Union definition could create inconsistencies with established national concepts without providing additional internal-market value, we request a clarification by defining "primary residence" as residential

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(6) 'dwelling' means a residential unit which may consist of one or several rooms designed for the occupation of households; (7) 'acquisition' means the acquisition of ownership of residential property, excluding transfers by way of succession, pursuant to a matrimonial property regime or the division or distribution of an estate, corporate reorganisations that do not result in a change in beneficial ownership, and the realisation of security by a creditor; (8) 'short-term accommodation rental service' means short-term accommodation rental service as defined in Article 3(4) of Regulation (EU) 2024/1028; (9) 'host' means host as defined in Article 3(2) of Regulation (EU) 2024/1028; (10) 'measures' means provisions laid down by law, regulation or administrative action in Member States.	property qualifying as a primary residence under the applicable law of the Member States concerned. We question the proposed 'price to income ratio'. The necessary statistics might not be available in the respective area under housing stress, but only for larger areas or agglomerations. The income statistics can also be defined in multiple ways. The resulting ratios will not necessarily be comparable or suitable for the required classification. Concerning point (10): The Regulation is intended to establish a framework for regulatory measures of general application. Individual administrative decisions taken on the basis of such measures, such as individual authorisation should not trigger the assessment, publication and review requirements laid down in this Regulation. So, 'Measures' should refer to laws, regulations or administrative provisions of general application in a Member State. Limiting the definition to provisions of general application avoids disproportionate and duplicative administrative procedures while preserving the full application of the Regulation to the underlying regulatory framework.
Article 5 **Requirements for measures to safeguard housing affordability and availability** 1. A competent authority may take any of the following measures, to the extent they are justified by the necessity to safeguard housing affordability and availability, and provided that those measures comply with the requirements laid down in Articles 6 to 10:	We ask the Presidency to task the Legal Service of the Council to examine whether Article 5(1)(b) is compatible with Article 5(3) of the EU Treaty. We request the deletion of para 1 (b), which has to be seen in context with our comments to Art. 2 para 1 (b) (overriding of national planning law, especially rules to protect affordablle housind unter nationale definition). According to our understanding, this Regulationintends to exclude measures relating to primary residences. As a consequence, it must be clear that such measures on primary residences will still be taken in

(a) measures restricting access to, or the provision of, short-term accommodation rental services in residential property other than the host's primary residence; (b) measures restricting the acquisition or use of land and residential property that is not acquired or used for the purpose of primary residence, whether occupied by the owner or by another person. 2. Measures restricting access to, or the provision of, short-term accommodation rental services solely on the grounds of safeguarding housing affordability and availability under this Regulation apply only to accommodation that is not provided by a host in its primary residence.	Member States (complying with the principle of proportionality) to prevent cases of abuse. This particularly affects situations in which the primary residence is merely formally maintained in order to rent it out for a short time. A complete exemption from any restriction is not justified, however, as a primary residence may be let for long periods or on a de facto commercial basis. Article 10 already requires measures to be calibrated to the scale, frequency or commercial character of the activity. Furthermore, we consider a clarification on "mixed measures" taken by competent authorities for several reasons (when safeguarding housing affordability and availabilty is not the only reason).
Article 6 **Assessment of housing stress** 1. The competent authority shall assess whether the area in which it intends to take measures meets the following criteria for being considered an area under housing stress: (a) the price-to-income ratio is equal to or exceeds the threshold of eight, corresponding to eight years of disposable per-capita income to purchase a dwelling of average size in the residential building stock of the area concerned; (b) the price-to-income ratio has increased over the period covering the most recent 10 years of available data; (c) in the absence of the measure, the housing stress is unlikely to ease during the next three years following its adoption based on assessment of the following elements: (i) population dynamics; (ii) supply of housing;	We consider the "one size fits all" approach with rigid criteria for all regions and municipalities of the European Union to be highly problematic in view of the principle of subsidiarity.In our view, the lack of flexibility will make it more difficult or even impossible to take measures to protect housing where they are locally needed. On the other hand, particularly in structurally weak, predominantly rural regions, tourist potential could be lost that generates income and could contribute to shaping a balanced tourism. In addition: The detailed requirements could in practice lead to small municipalities shying away from the high effort and legal risks and therefore refraining from appropriate housing-related measures. This could even undermine the objective of the regulation to create legal certainty and support municipalities in measures to protect housing. We ask the Presidency to task the Legal Service of the Council for an assessment as to whether Article 6 of the proposal is compatible with Article 5(3) of the EU Treaty and if this provision can be entirely based on Art. 114 TFEU. A single mandatory price-to-income threshold does not reflect the diversity of housing markets, particularly rental-dominated markets.

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(iii) demand for housing. 2. Where the price-to-income ratio is equal to or exceeds the threshold of 10, paragraph 1, point (b), shall not apply. 3. When assessing whether an area meets the criteria set out in paragraph 1, the competent authority shall base its assessment on objective, transparent and verifiable data, and in compliance with sound statistical principles. 4. The price-to-income ratio shall be calculated using data, thresholds, indicators and methodology specified in the Annex. Competent authorities may use alternative data at a more granular level, provided that they can demonstrate that the resulting price-to-income ratio is consistent with the thresholds referred to in paragraph 1, point (a), and paragraph 2. 5. The Commission is empowered to adopt delegated acts in accordance with Article 15 to amend paragraph 1, point (a), and paragraph 2 of this Article, as regards the thresholds, and the Annex, as regards the data, thresholds, indicators and methodology used for calculation, where objective developments, demonstrated by relevant statistical or other reliable evidence, make such amendments necessary to ensure an accurate measurement of housing affordability pressures.	The measure would also fluctuate with household composition. It could also exclude areas experiencing long-standing but stable housing stress merely because the price-to-income ratio has remained broadly stable over the relevant ten-year period, unless the higher threshold of 10 is met. We reserve the right to further comment on the use of data.
Article 7 **Territorial scope of an area under housing stress** The territorial scope of an area under housing stress referred to in Article 6 shall not exceed what is necessary to safeguard housing affordability and availability. Such areas may be districts, municipalities, metropolitan areas, functional urban areas, agglomerations, rural areas or any part thereof.	Requiring the smallest possible territorial unit would generate disproportionate data and assessment costs and could undermine legal certainty. Existing administrative or legal units should be accepted unless reliable evidence demonstrates material internal differences that are relevant to the measure. We are ready to provide more detailed information regarding the legal situation in Germany.
Article 8 **Non-discrimination**	

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The measures shall not be directly or indirectly discriminatory between nationals of Member States on grounds of nationality or, in the case of legal persons established in a Member State, on grounds of their Member State of establishment.	
Article 9 **Necessity** 1. The measures may only be taken if they are justified by the need to safeguard housing affordability and availability in the areas under housing stress referred to in Article 6. 2. A competent authority shall take measures referred to in Article 5(1), point (a), only where it can demonstrate that the provision of short-term accommodation rental services in the area under housing stress has had a significant adverse effect on the availability or affordability of housing in that area over at least three years preceding the adoption of the measure. Where available, the competent authority shall take into account data obtained pursuant to Regulation (EU) 2024/1028. 3. A competent authority shall take measures referred to in Article 5(1), point (b), only where it can demonstrate that acquisition and use of land and residential property for purposes other than primary residence in the area under housing stress has had a significant adverse effect on the availability or affordability of housing in that area over at least three years preceding the adoption of the measure. 4. Measures referred to in Article 5(1), point (b) concerning long-term vacancy shall not apply where non occupation is justified, including by reasons of temporary absence for work, education or training, health, ongoing succession proceedings, legal impediment to occupation or inhabitability.	Under current German law, housing stress is not necessarily a prerequisite for measures that might fall within the scope of the regulation. The proposed provision can be understood as introducing additional requirements into national law which fall into competence of the Member States. We therefore have strong concerns regarding the principle of subsidiarity and the application of Art. 114 TFEU (see Art. 6). Regarding paragraphs 2 and 3: Housing markets are often influenced by numerous factors: new construction activity, interest rates, demographics, building land, construction costs, migration, tourist demand, and vacancy rates. An excessively high requirement for causality could thereby make the implementation of measures practically impossible. Paragraph 2 introduces an additional causal and evidentiary requirement which may be particularly difficult to satisfy in complex housing markets, where affordability and availability are influenced by multiple interacting factors. Requiring competent authorities to demonstrate that short-term accommodation rental activity has had a significant adverse effect on housing availability or affordability over a three-year period therefore creates substantial legal and evidentiary uncertainty and impedes timely and preventive action. Such an ex post requirement may impede timely preventive action, as competent authorities may need to intervene before a significant adverse effect can be demonstrated over a three-year period.

	Additionally, a competent authority cannot provide this demonstration if regulatory measures have already been in place and are influencing market outcomes, including potential adverse effects. In some areas experiencing housing stress, measures have already been introduced that restrict the provision of short-term accommodation rental services. Where such services are no longer offered, it becomes correspondingly impossible to demonstrate any significant adverse effect on the availability or affordability of housing in that area. Put simply, the (adverse) effects of a service cannot be proven in the absence of that service, since no service exists to produce such effects. The same evidentiary problems would arise for extending the duration of measures as proposed by the Commission in Article 12. The underlying logic of this regulation is to successfully curtail the supply of such services — yet this would mean that, by the time of a review, it would no longer be possible to demonstrate any negative effects. By its very nature, this paragraph would therefore disproportionately affect precisely those areas suffering most acutely from a lack of availability or affordability of housing, and which have accordingly already taken action. This cannot be consistent with the purpose of this regulation. As stated under Art. 2 (1) point b, the current wording covers numerous measures that do not primarily address the availabilty or affordability of housing, and thus cannot be limited to areas as described in Art. 9 (3) of this Regulation. The competent authorities ability to “demonstrate that acquisition and use of land and residential property for purposes other than primary residence has had a significant adverse effect on the availability or affordability of housing“ has to be checked. For the time being, it has to be taken into account, that this prerequisite might severely harm the

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	corrspondent authorities ability to take measures promoting the availability or affordability of housing. As a result of the wording of Art. 2/5 para 1 (b) and open questions of interpretation on other points, it is currently impossible to foresee which regulations and instruments of German urban planning law will be covered by the Regulation. This makes it necessary to clarify that preventive measures, e.g., to preserve affordable housing or a specific neighborhood character, are also permissible. Urban planning law is preventive in many areas because it is clear that once a state is lost, it cannot be restored for practical and legal reasons.
Article 10 **Proportionality** 1. The measures shall be suitable for attaining the objective pursued, shall not go beyond what is necessary to attain that objective and shall meet the following requirements: (a) they are territorially limited to the area under housing stress and, where appropriate, calibrated to different levels of housing stress within the area; (b) they are based on an assessment that no other less restrictive measure would be sufficient to improve housing affordability and availability in an equally effective manner within a reasonable period; (c) they comply with the principles of legal certainty and the protection of legitimate expectations; (d) for measures referred to in Article 5(1), point (a), they are calibrated to forms of short-term accommodation rental activity that, by reason of their scale, frequency or commercial character, are more likely to reduce the availability of housing for long-term residential use;	Article 7 already governs the territorial scope of areas under housing stress and the circumstances in which further subdivision may be required. A separate calibration requirement would create an additional and potentially open-ended obligation to differentiate within an area, including where reliable disaggregated data are unavailable. Regarding paragraph 1(b): We consider the term “within a reasonable period” to be too vague. To enable a legally sound application, we request a more specific indication of the time frame. If this provision is intended to set non-binding recommendations - such as Housing Acceleration Plans, approval of deadlines or changes in building regulations – as an indirect standard for the legality of housing-related measures, we request a distinct reference for reasons of legal certainty. We have strong concerns regarding this para (d). Competent authorities should retain sufficient discretion to take account of the specific circumstances of the local housing market.

(e) for measures referred to in Article 5(1), point (a), the competent authority applies and enforces Regulation (EU) 2024/1028 in the relevant geographical area, in particular its provisions on registration, including suspension and withdrawal of registration numbers, verification, data-sharing and orders requiring the removal or disabling of listings without a registration number, with an invalid registration number or involving misuse of a registration number; (f) for measures referred to in Article 5(1), point (b), insofar as they impose restrictions on the acquisition of residential property and land, they apply only to property and land acquired after the date of application of the measure; (g) for measures referred to in Article 5(1), point (b) relating to long-term vacancy, they are calibrated, on the basis of objective criteria, to the nature and extent of long-term vacancy most likely to reduce the availability of housing for long-term residential use, taking into account in particular the number of dwellings held by the same owner in the area concerned, the duration of non-occupation or acquisition by legal persons. 2. For the purposes of paragraph 1, where measures affect existing lawful situations, they shall include appropriate transitional arrangements.	Regulation (EU) 2024/1028 is intended to improve transparency and data availability in the field of short-term accommodation rentals. Registration, platform supervision and housing-protection enforcement may also fall within the competence of different authorities. Making enforcement of Regulation (EU) 2024/1028 a precondition could therefore delay or prevent proportionate local action for reasons outside of the control of the competent housing authority. The criteria´s relevance for the likeliness to reduce the availability of housing for long-term residential use seems questionable. A mandatory transitional arrangement in every case would go beyond what is required by the principles of legal certainty and legitimate expectations. The need for transitional protection should depend on the circumstances of the measure.
Article 11 **Procedural safeguards and judicial review** Natural and legal persons affected by the measures taken pursuant to Article 5 shall have access to appropriate procedural safeguards and to effective judicial review of those measures, including the possibility to challenge the assessments carried out by the competent authority to ensure compliance with Articles 6 to 10.	Measures and the assessments underlying them can already be reviewed within existing national judicial procedures and shall not require the establishment of a separate judicial remedy. We propose to expressly state this in this provision in order to avoid any implication that a separate judicial remedy must be established, while preserving effective judicial protection.
Article 12	We question the proposed durations of measures.

Duration and review of measures 1. Measures shall be adopted for a period not exceeding five years. They may be extended where, following the review referred to in paragraph 2, the competent authority concludes that the requirements laid down in Articles 6 to 10 continue to be fulfilled. 2. A competent authority shall regularly review whether a measure referred to in Article 5 continues to comply with the requirements laid down in Articles 6 to 10. The first review shall be carried out within five years from the date of adoption of the measure. 3. Where, following the review, a competent authority concludes that a measure no longer fulfils the requirements laid down in Articles 6 to 10, it shall withdraw that measure without undue delay.	Existing national, regional and local review requirements and procedures should be sufficient for the purposes of this Regulation. A separate Union review cycle would duplicate established procedures and create additional administrative burden without corresponding added value. This provisionshould therefore enable more flexibility. Competent authorities should be able to amend or withdraw a measure within a reasonable period.
Article 13 **Publication of the measures** 1. A competent authority shall make publicly available information on any measure adopted pursuant to Article 5, and on the extension, amendment or withdrawal of the measure, before its entry into force. 2. The information referred to in paragraph 1 shall include: (a) the assessments carried out by the competent authority to ensure compliance with Articles 6 to 10; (b) the precise territorial scope of the area under housing stress and of the measure; (c) the duration of the measure.	If Art. 4 (10) is not amended, Art. 13 has to exclude individual administrative decisions which typically cannot be announced publicly for privacy reasons. National, regional or local publication requirements should be sufficient. A separate publication regime under this Regulation would duplicate existing procedures and create additional administrative burden. This provision should therefore not require additional publication solely for its own purposes or disclosure beyond what is necessary under applicable national, regional or local law. Where Article 14(2) applies, the publication requirements should not require the reassessment or republication of pre-existing elements of the measure.
Article 14 **Existing measures**	In our view, the proposed text leaves too much room for interpretation and is, therefore, not suitable to reach legal certainty: What happens, if an existing measure is subsequently amended, extended, or renewed? When does a new "adopted measure" exist?

This Regulation shall not apply to measures adopted before ... *[PO please insert the date: the date of entry into force]*. However, a competent authority may review such measures in accordance with this Regulation.	Does a technical amendment alone mean that the entire regulatory system of the measure falls under the Regulation? Therefore, we request a clarification in the text. Article 14 excludes pre-existing measures from the scope of the Regulation, but the effect of subsequent reviews, renewals or amendments remains unclear. A review or technical continuation of an established national, regional or local regulatory system should not result in a full reassessment under this Regulation. Such a requirement would create legal uncertainty and unnecessary administrative burden.
Article 15 **Exercise of the delegation** 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article 6(3). 2. The power to adopt delegated acts referred to in Article 6(3) shall be conferred on the Commission for an indeterminate period of time from ... *[PO please insert the date: the date of entry into force of this Regulation]*. 3. The delegation of power referred to in Article 6(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the O*fficial Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	If the threshold is retained, its amendment by delegated act raises serious concerns. The threshold determines access to the regulatory framework and materially affects the powers of competent authorities. We therefore have several concerns regarding Art. 15.

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6. A delegated act adopted pursuant to Article 6(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
Article 16 **Evaluation** By ... *[PO, please insert the date: same day and month as the date of entry into force plus 5 years]*, the Commission shall evaluate the impact of this Regulation on the functioning of the internal market and on housing affordability and availability and shall submit a report on its main findings to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.	The Commission justifies the proposal by reference to greater legal certainty and a reduction in administrative burden. The evaluation must therefore assess whether these objectives have been achieved at the level of the authorities applying the Regulation, rather than whether costs and burdens have merely been transferred to them. Therefore, the evaluation shall expressly include the additional administrative and financial burden on national, regional and local authorities, the impact of this Regulation on existing national, regional and local housing-protection systems, and its impact on the ability of competent authorities to adopt timely and preventive measures.
Article 17 **Entry into force and application** This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.	We require an extension of the deadline for necessary adaptations of our national legislation. The appropriate timeline is currently under review. We will provide feedback as soon as possible.

EUROPEAN
COMMISSION

Brussels, 9.9.2026
COM(2026) 599 final

2026/0268 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a framework for measures in Member States to safeguard housing affordability and availability (Affordable Housing Act)

{SEC(2026) 599 final} - {SWD(2026) 605 final} - {SWD(2026) 606 final} - {SWD(2026) 607 final}

(Text with EEA relevance)

Commented [A1]: Denmark welcomes the initiative from the Commission to mitigate the negative sides of short-term rentals. The draft does in many ways look accommodating, but due to the short time between the Commission's presentation and the first working party, Denmark needs to make a scrutiny reservation.

Denmark looks forward to receive more information in regards to the data, as it is important that the assessment of areas as under housing stress should not add administrative burdens. Furthermore, Denmark is currently assessing the proposal and its possible impact on current legislation.

Denmark also wants to highlight issues with the Danish translation, where the current term used in Danish for areas under housing stress does not cover the aim of the definition. We therefore propose 'pressede boligområder', but we are very happy to engage in a dialogue with the translation team on this. There are also minor issues in the text that would need to be resolved at a later point.

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

This explanatory memorandum accompanies the proposal for a Regulation establishing a framework for measures in Member States to safeguard housing affordability and availability (Affordable Housing Act) (the 'Proposal').

Housing affordability has become a growing challenge across the Union, particularly in certain cities, metropolitan regions, islands and tourist destinations, where housing demand significantly exceeds available supply. While insufficient housing supply remains the structural driver, demand associated with certain forms of non-primary use of housing may aggravate affordability pressures in some local markets. These pressures particularly affect low- and middle-income households, young people and essential workers, and can make it increasingly difficult for residents to access affordable housing in the places where they live and work.

In response, competent authorities are increasingly adopting or considering measures affecting the provision of short-term rental accommodation services or the acquisition and use of residential property. Such measures seek to preserve housing for long-term residential use and alleviate pressures on housing affordability and availability. While housing policy remains primarily a national, regional and local competence, such measures may affect the freedoms of the internal market and therefore fall within the scope of Union law.

The Court of Justice of the European Union (CJEU) has recognised that safeguarding housing affordability and availability may constitute an overriding reason relating to the public interest capable of justifying restrictions affecting internal market freedoms. However, existing Union law, including the Treaty, Directive 2006/123/EC (the 'Services Directive') and the CJEU's case law, is general in nature. A specific operational framework for assessing housing stress or demonstrating the justification and proportionality of individual measures is needed to improve legal certainty for competent authorities, citizens and economic operators and to reduce the fragmentation of regulatory approaches across the Union.

There is growing recognition that Europe's shared housing affordability challenge calls for a shared response. Whilst housing remains mostly a national, regional and local responsibility, the EU supports, coordinates and complements national, regional and local efforts, within its competences, while respecting the diversity of housing markets and governance systems across the EU.

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The political guidelines for the 2024-2029 European Commission ([1]), recognising the urgency of the housing crisis, announced the appointment of a Commissioner for housing, and committed to putting forward the first-ever European Affordable Housing Plan.

At the European Council in October 2025 ([2]), EU leaders called on the Commission to swiftly present an ambitious and comprehensive plan for affordable housing, the aim of which would be to support and complement Member States' efforts, having due regard for the principle of subsidiarity and national competences. On 10 March 2026, the European Parliament adopted the final report of the Special Committee on the Housing Crisis, which strongly welcomed the Commission's commitment to deliver and implement an ambitious European Affordable Housing Plan (EAHP) ([3]).

The Proposal forms part of the EAHP ([4]) presented by the Commission on 16 December 2025, which includes an analysis of the key drivers of the housing affordability crisis in the EU ([5]). It responds to repeated calls from Member States, cities, regions and stakeholders for greater legal certainty regarding the conditions under which housing-related measures may be adopted consistently with Union law.

The objective of this Proposal is not to harmonise housing policy, but to establish a common framework governing the assessment under Union law of certain housing-related measures intended to safeguard housing affordability and availability. It lays down common requirements for the justification, proportionality, transparency and review of such measures, which includes a common methodology for demonstrating housing stress. In doing so, it seeks to improve legal certainty, transparency and the consistent application of Union law while

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1 von der Leyen, U. 'Europe's Choice – Political guidelines for the next European Commission 2024-2029', European Commission website, 18 July 2024, https://commission.europa.eu/document/download/e6cd4328-673c-4e7a-8683-f63ffb2cf648_en?filename=Political%20Guidelines%202024-2029_EN.pdf

2 European Council, 'European Council conclusions, 23 October 2025', European Council website, 23 October 2025, accessed 13 April 2026, https://www.consilium.europa.eu/en/press/pressreleases/2025/10/23/european-council-conclusions-23-october-2025/.

3 European Parliament, European Parliament resolution of 10 March 2026 on the housing crisis in the European Union with the aim of proposing solutions for decent, sustainable and affordable housing, 10/03/2026, accessed 10 April 2026, https://www.europarl.europa.eu/doceo/document/TA-10- 2026-0064_EN.html

4 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - the European Affordable Housing Plan - COM(2025)1025 final, 2025, https://op.europa.eu/en/publication-detail/-/publication/adcb91d5-dbdd-11f0-8da2-01aa75ed71a1

5 https://housing.ec.europa.eu/document/download/2ad4c9f2-602b-43ba-9ed9-f2ee059cf97_en?filename=0_1.pdf

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fully respecting national, regional and local competences. By reducing legal uncertainty, the Proposal should also enable competent authorities to address local housing affordability and availability pressures more effectively where intervention is justified.

The Proposal does not establish under EU law any new right for competent authorities to restrict access to, or the provision of, short-term accommodation rental services, or the acquisition or use of property, nor does it prescribe or recommend any such measures. It sets out the conditions and requirements applicable under EU law where competent authorities choose to adopt measures that are available to them under national law.

The Proposal seeks to simplify and clarify the existing EU framework applicable to measures intended to safeguard housing affordability and availability. It does so by notably removing the notification obligation laid down in Article 15(7) of Directive 2006/123/EC for measures within the scope of this Regulation, while harmonising the procedure for assessing the proportionality of those measures.

- **The problem and its drivers**

The problem addressed by this Proposal is insufficient legal certainty regarding the compatibility of measures protecting housing affordability and availability with Union law governing the internal market freedoms. This results in divergent national, regional and local measures which negatively affect the proper functioning of the internal market.

This problem has two drivers:

– The first driver is a substantive housing-market challenge that requires public intervention. In some areas under housing stress, competent authorities are increasingly seeking to address housing affordability pressures that arise from the supply-demand mismatch and that may be aggravated by certain forms of non-primary use of housing.

– The second driver is a governance challenge. Union law recognises that housing affordability and availability may justify restrictions even if they affect internal market freedoms. However, the current framework is general in nature. It does not provide a sufficiently specific and structured basis with which to establish the presence of housing stress, assess the necessity and proportionality of specific interventions, balance demand-side and supply-side responses, or to ensure transparency, monitoring and review over time.

As a result, without further EU action, competent authorities are likely to continue to face difficulties in identifying, justifying and designing housing-related interventions in a way that is compatible with Union law, and to struggle to respond effectively to housing affordability and availability pressures where they are most acute.

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Housing policy, urban planning and land-use regulation remain primarily national, regional and local competences. The purpose of this Proposal is neither to harmonise housing policy outcomes nor to promote or encourage the adoption of particular housing-related interventions, but to establish a common European framework governing the way in which the justification and proportionality of housing-related interventions affecting internal market freedoms are assessed, reviewed and rendered transparent. It thereby contributes to the effective functioning of the internal market.

- **Consistency with existing policy provisions in the policy area**

The Proposal complements existing Union legislation governing the internal market.

It builds on Regulation (EU) 2024/1028 ([6]) on data collection and sharing relating to short-term rental accommodation services ('STR Regulation'). While the STR Regulation establishes a harmonised framework for registration and data sharing, it does not determine the circumstances in which housing-related restrictions may be justified under Union law. The two instruments are therefore complementary: the STR Regulation improves transparency and data availability, whereas this Proposal provides a common framework for assessing housing-related measures.

The Proposal is also consistent with Directive 2006/123/EC ([7]). For measures falling within its scope, this Proposal lays down specific rules governing the demonstration of housing stress and the assessment of justification, necessity and proportionality, that apply instead of the Services Directive. Other applicable provisions of Union law, including the Services Directive, continue to apply insofar as they are not displaced by those specific rules.

The Proposal is accompanied by a Commission Recommendation on housing supply measures in areas under housing stress and complements the Commission's wider initiatives to increase the supply of affordable housing through simplification, investment and improved construction capacity. While the Regulation enables more effective action to address immediate pressures on the existing housing stock, the Recommendation focuses on increasing supply structurally to deliver lasting improvements in affordability.

[6] Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724, https://eur-lex.europa.eu/eli/reg/2024/1028/oj/eng.

[7] Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, https://eur-lex.europa.eu/eli/dir/2006/123/oj.

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The Proposal is also consistent with the Commission's work to strengthen the European evidence base on housing, including improved housing statistics, greater transparency of housing markets and better access to housing data and analysis.

- **Consistency with other Union policies**

The Proposal is consistent with the Union's framework governing digital services, including the e-Commerce Directive ([8]) and the Digital Services Act ([9]), and does not affect the responsibilities established under those instruments.

It is also consistent with the Commission's forthcoming initiatives on digital fairness, sustainable tourism, the "Right to Stay" and with the revised State aid framework for services of general economic interest relating to affordable housing. This Proposal complements these initiatives by providing greater legal certainty for competent authorities adopting housing-related measures affecting the internal market.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the Proposal is Article 114 TFEU. The initiative aims to improve the functioning of the internal market by establishing a common framework for the assessment of certain housing-related measures affecting the freedoms of the internal market. While housing policy remains primarily within the competence of Member States and their national, regional and local authorities, measures affecting the provision of services or the acquisition or use of residential property may restrict internal market freedoms and are therefore subject to Union law.

The Proposal establishes a common methodology for demonstrating housing stress and common requirements for the justification and proportionality of certain housing-related measures, while fully respecting Member States' competence regarding housing policy and the substantive content of housing measures. Divergent national, regional and local methodologies and procedural requirements create differing conditions for economic operators and legal uncertainty regarding restrictions on the freedom of establishment and the freedom to provide services under Articles 49 and 56 TFEU, in particular as regards short-term accommodation rental services, and on the free movement of capital under Article 63

[8] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'), https://eur-lex.europa.eu/eli/dir/2000/31/oj/eng.

[9] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng.

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TFEU, in particular as regards the acquisition and use of residential property. The Proposal approximates those methodologies and requirements by establishing a common Union framework for assessing such restrictions. Article 114 TFEU is therefore the appropriate legal basis.

- **Subsidiarity (for non-exclusive competence)**

The Proposal complies with the principle of subsidiarity. Housing policy, urban planning and land-use regulation remain primarily matters for Member States. However, the conditions for the assessment of whether housing-related measures restricting internal market freedoms comply with Union law cannot be effectively clarified by Member States acting alone.

While the CJEU has interpreted the relevant legal principles, existing Union law provides no specific common operational framework for identifying housing stress or assessing the justification and proportionality of housing-related measures. As a result, competent authorities apply different methodologies and evidential standards, creating legal uncertainty, administrative burden and inconsistent application of Union law.

The added value of Union action is therefore to establish a common framework for assessing housing-related measures affecting the internal market. The Proposal provides a common methodology for demonstrating housing stress and common requirements for the justification, necessity, proportionality, transparency and review of such measures. It preserves the discretion of competent authorities to determine whether intervention is necessary and which measures are appropriate in light of local circumstances, while ensuring that measures affecting the internal market are assessed according to common Union standards.

- **Proportionality**

The Proposal complies with the principle of proportionality because it does not go beyond what is necessary to improve the functioning of the internal market. It does not harmonise housing policy, require competent authorities to adopt housing-related measures, or prescribe the substantive content of such measures. Instead, it lays down only those common requirements necessary to ensure legal certainty, transparency and the consistent application of Union law to measures falling within its scope. It does not cover measures taken by the competent authorities for overriding reasons relating to the public interest other than the necessity to safeguard housing affordability and availability, such as public policy, public security, public health, the protection of consumers, the protection of the environment and the urban environment, the protection of cultural heritage.

As regards measures concerning short-term accommodation rental services, the Proposal applies only where such measures are adopted for the purpose of safeguarding housing affordability and availability in areas under housing stress. The Proposal aims to ensure that

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they are calibrated to forms of activity that, by reason of their scale, frequency or commercial character, are more likely to reduce the availability of housing for long-term residential use.

As regards measures affecting the acquisition or use of land and residential property, the Proposal applies only where such measures are adopted for the purpose of safeguarding housing affordability and availability in areas under housing stress. It may therefore cover, for example, restrictions on non-primary residential use, requirements reserving affordable residential property for owner-occupation or for specified categories of households, including first-time buyers or lower- and middle-income households, measures addressing long-term vacancy, or declaration requirements regarding intended use prior to acquisition, or prohibition of changes of use which prevent housing being converted from residential use to commercial or professional use. General rules governing property ownership and transfer, including inheritance, gifts and transfers within families, measures regulating rents under residential tenancy contracts, housing benefits, building standards, taxation, and general land-use, spatial-planning and zoning rules fall outside the scope where they do not have the object or effect of restricting acquisition or use for the purpose of safeguarding housing affordability and availability within the meaning of the Regulation.

As confirmed by the impact assessment, this approach provides the appropriate balance between improving legal certainty and preserving the flexibility of national, regional and local authorities to respond to local housing-market conditions.

- **Choice of the instrument**

A Regulation is the most appropriate legal instrument because it establishes a common procedural framework governing the assessment of housing-related measures affecting the internal market. Uniform application of those procedural requirements is essential to ensure legal certainty and the consistent application of Union law across the Union.

Non-binding guidance could promote a more consistent interpretation of existing Union law but would not provide a sufficiently predictable and uniform framework for competent authorities, citizens and economic operators. A Directive would require national transposition, increasing the risk of divergent implementation and hampering progress towards the objective of improving legal certainty.

A Regulation therefore provides the most effective means of establishing a common framework while fully respecting Member States' competence for housing policy and the substantive design of housing-related measures.

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3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

In accordance with the Better Regulation Guidelines, the Commission carried out targeted consultation activities to complement the extensive public consultation previously undertaken in 2025 in preparation for the EAHP, which received 13 330 responses.

Between 6 March and 3 April 2026, the Commission organised a Call for Evidence, a targeted questionnaire and four dedicated workshops with Member States, regions, cities, stakeholders and experts. The Call for Evidence received 617 contributions and there were 303 responses to the targeted questionnaire.

The consultations confirmed the presence of broad support for greater legal certainty regarding the compatibility of housing-related measures with Union law, while emphasising the need to respect subsidiarity and preserve flexibility for competent authorities. Public authorities called for a common framework for assessing housing stress and justifying local measure. Economic operators stressed the importance of proportionality, legal certainty and evidence-based decision-making, while representatives of tenants, students, social housing providers and civil society underlined the need for effective tools to safeguard housing affordability and availability.

- **Collection and use of expertise**

The Proposal draws on extensive economic and legal analysis undertaken by the Commission, including support from the Joint Research Centre and other Commission services.

- **Impact assessment**

The Proposal is supported by an impact assessment report (SWD(2026) xxx), prepared in accordance with the Commission's Better Regulation Guidelines.

Following a negative opinion of the Regulatory Scrutiny Board on 5 June 2026, the impact assessment was substantially revised. The revised report clarifies the problem definition, objectives, subsidiarity assessment, policy options and impact analysis, and clarifies that the initiative is a procedural instrument intended to improve legal certainty rather than a housing-market intervention. It also strengthens the evidence base, stakeholder analysis, litigation assessment and monitoring framework. The revised report received a positive opinion with reservations on 17 July 2026.

The impact assessment examined three policy options in addition to the baseline:

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Option 1: consisted of non-binding guidance explaining existing Union law and providing practical recommendations.

Option 2: the preferred option. It establishes a common framework governing housing-related measures affecting internal market freedoms. It combines a common methodology for demonstrating housing stress with requirements concerning justification, proportionality, transparency and periodic review, while preserving national, regional and local discretion regarding whether and how to intervene.

Option 3: would have introduced a more prescriptive framework, including mandatory designation of housing stress areas, harmonised thresholds and housing plans, and more extensive Union-level harmonisation.

The preferred option is expected to contribute to improving housing affordability and availability in areas experiencing housing stress by enabling more timely, targeted and evidence-based action where short-term rentals or other non-primary uses demonstrably aggravate housing pressures. Where such measures preserve or increase the stock of housing available for long-term residential use, they can help ease pressure on rents and house prices and improve access to affordable housing, particularly in constrained local markets. Residents, including tenants and prospective homebuyers, may therefore benefit from greater housing availability and reduced affordability pressures, while competent authorities gain greater legal certainty and citizens and economic operators benefit from clearer and more consistent safeguards. The price-to-income thresholds focus the framework on areas facing significant affordability pressures, while the subsequent assessment of local housing-market conditions ensures that measures respond to actual local circumstances. The Proposal maintains flexibility for Member States and competent authorities and respects subsidiarity. Environmental and competitiveness impacts are expected to be limited and mainly indirect. The Proposal is consistent with the Union's climate objectives.

- **Regulatory fitness and simplification**

The Proposal contributes to simplification by establishing a common procedural framework for assessing housing-related measures affecting the internal market. For measures falling within its scope, the Proposal clarifies the applicable procedural requirements. Under the Proposal, there will no longer be a requirement to notify restrictions on short-term accommodation rental services under Directive 2006/123/EC, which will reduce repetitive administrative formalities and improve administrative efficiency. The Proposal complements Regulation (EU) 2024/1028 and avoids creating overlapping or duplicative administrative requirements.

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The Proposal does not impose direct obligations on businesses. Its effects on Small and medium-sized enterprises (SMEs) and microenterprises are therefore indirect and depend on the housing-related measures adopted by competent authorities. Greater legal certainty, transparency and predictability are expected to reduce regulatory uncertainty and compliance costs for economic operators, particularly those active across several jurisdictions. The overall impact on competitiveness is expected to be limited and broadly neutral.

The Proposal has been designed in accordance with the Commission's digital-ready policymaking principles. It builds on existing data sources, promotes interoperability with the framework established by Regulation (EU) 2024/1028 and avoids unnecessary reporting obligations.

The Proposal does not explicitly exempt microenterprises, as it does not impose direct obligations on service providers. Rather, it establishes the conditions under which competent authorities may adopt measures affecting certain activities. Short-term rental activity involving housing not used as a primary residence is often carried out by microenterprises, which may therefore be indirectly affected by measures adopted by competent authorities under the framework.

The Proposal would be relevant for SMEs, in particular those active in the short-term rental and tourism sectors, but does not impose direct obligations or compliance costs on them. Its effects are expected to be mainly indirect and to vary across sectors. SMEs may nevertheless be affected by measures adopted by competent authorities under the framework, with the nature and magnitude of those effects depending on the measures concerned and local market conditions. But at the same time, SMEs would benefit from greater visibility and predictability about when, where and for how long restrictions may apply, as well as from common requirements aimed at ensuring that such measures are evidence-based, necessary and proportionate. These benefits are particularly relevant for SMEs operating across, or providing services in, multiple local markets. The overall impact on competitiveness is expected to be limited and broadly neutral. As the initiative is addressed primarily to competent authorities rather than businesses, its effects are indirect and depend on local implementation choices. Greater legal certainty, transparency and predictability are expected to reduce regulatory uncertainty and compliance costs for economic operators active across multiple jurisdictions, while any adjustment costs resulting from restrictions introduced in areas under housing stress are expected to remain localised and sector-specific.

- **Fundamental rights**

The Proposal respects the rights and principles recognised by the Charter of Fundamental Rights of the European Union.

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By establishing common procedural safeguards governing the justification, transparency and periodic review of housing-related measures, the Proposal supports the right to good administration under Article 41 of the Charter.

The Proposal is expected to contribute indirectly to the objectives set out in Articles 7, 34(3) and 36 of the Charter by supporting competent authorities in safeguarding housing affordability and availability, while ensuring full respect of the right to property under Article 17. In particular, measures in the scope of the Proposal are subject to safeguards, including objective evidence of a significant adverse effect on housing affordability or availability, territorial targeting, necessity and proportionality, consideration of less restrictive alternatives, respect for legal certainty and legitimate expectations, appropriate transitional arrangements, limitations on duration, periodic review and effective judicial protection. The Proposal does not itself establish any restriction on property ownership or confer on competent authorities powers to adopt restrictions that are not available to them under national law.

4. BUDGETARY IMPLICATIONS

The implementation of this Regulation has limited budgetary implications for the Union budget. Additional resources are required primarily to support the implementation, monitoring and evaluation of the new framework, including the preparation of guidance, stakeholder engagement, legal and policy follow-up, and the maintenance and continued operation of the existing Mapadomo tool (a housing database). Wherever possible, the Proposal builds on existing Commission structures, expertise and digital infrastructure and does not establish a new Union body, funding programme or digital platform. The detailed financial implications are set out in the Legislative Financial and Digital Statement accompanying this Proposal.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Commission will monitor the implementation and application of this Regulation in cooperation with the Member States and competent authorities. The Commission will assess the way in which the framework established by this Regulation operates, including the application of the methodology for demonstrating housing stress, the justification, proportionality, transparency and review of measures adopted under the Regulation, the reduction in litigation and successful legal challenges. The evaluation will focus on the effectiveness of the Union framework and will not assess the housing policy choices made by competent authorities.

The Commission will evaluate this Regulation no earlier than five years after its entry into application.

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- **Detailed explanation of the specific provisions of the Proposal**

Chapter I lays down the general provisions. It defines the subject matter and scope of the Regulation, clarifies its relationship with existing Union legislation, and sets out the key definitions used throughout the Regulation.

Chapter II establishes the common framework applicable to housing-related measures. It lays down the methodology for demonstrating housing stress, rules on territorial scope and the conditions governing non-discrimination, necessity and proportionality. It also establishes requirements concerning duration, periodic review, transparency and judicial review.

Chapter III contains the final provisions relating to delegated acts, evaluation and review of the Regulation, and its entry into force and application.

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2026/0268 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a framework for measures in Member States to safeguard housing affordability and availability (Affordable Housing Act)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The Union is facing a housing affordability crisis that weakens social cohesion and threatens the overall competitiveness of the Union. This crisis is affecting a growing number of households, with a rising number of people facing difficulties in securing quality housing at an affordable price. This affects, in particular, people in vulnerable situations, but also increasingly middle-income households. Housing unaffordability has become a constraint on labour mobility, on access to employment and education opportunities, and on economic development and competitiveness. Essential workers and persons undertaking seasonal work away from their usual residence can no longer afford to live in the communities they serve.

[1] OJ C , , p. .
[2] OJ C , , p. .

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(2) The analysis set out in the Commission staff working document 'Understanding the housing crisis'[3] demonstrates that although housing affordability challenges are present across the Union, their severity and underlying drivers vary significantly between and within Member States. In particular, major urban centres, metropolitan areas with strong labour market growth and certain areas characterised by high tourism intensity have experienced sustained imbalances between housing supply and demand. This has led to rapid increases in purchase prices and rents, and increased risks of residential displacement.

(3) In those areas, demand for residential property has increased due to long-term urbanisation trends, concentration of economic activity, changing household structures and increasing demand for modern living space. Residential property is also increasingly used for purposes other than permanent residence. This includes use for tourist accommodation, such as short-term accommodation rental services, occasional use and investment. In some municipalities or neighbourhoods under housing stress, non-primary residences can represent a significant share of the housing stock, and short-term rental accommodation listings a considerable proportion of the overall rental stock, with a substantial number of hosts renting several properties under such short-term contracts. While these additional uses can generate economic and social benefits, including for households struggling to make ends meet, they may also aggravate housing demand pressures in some constrained local housing markets by reducing the availability of dwellings for primary use and putting inflationary pressure on rents and housing prices. The extent of those effects varies considerably depending on local housing market conditions and the ability of housing supply to respond to demand. If the supply response is insufficient, such areas may experience housing stress, often reflected in a growing disconnect between housing prices and rents, on the one hand, and household incomes, on the other.

(4) Local housing availability can also be constrained by factors affecting the ability of housing supply to respond to demand. Such factors include land scarcity, planning and permitting constraints, labour shortages, transport and infrastructure constraints, vacant properties, and insufficient investment in housebuilding, including affordable and social housing. Additional housing supply may also be generated through renovation, repurposing, repartitioning into more units, and bringing vacant dwellings back into use. In this context, vacant and underused housing in rural areas may also provide opportunities to increase housing supply. Sustainable improvements in housing affordability require an increase in the supply of housing, including in affordable and social housing.

(5) Competent authorities in areas under housing stress have in recent years been adopting, or are considering, restrictive measures aimed at preserving housing for long-term residential use and alleviating pressures on housing affordability and availability. These include measures aimed at preserving residential property for primary residential use, whether occupied by the owner or by another person, including by addressing short-term rental activity or other forms of non-primary residential use.

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[3] SWD(2025) 1053 final of 16 December 2025.

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(6) This Regulation should neither establish a right under Union law for competent authorities to restrict property ownership or use nor require, prescribe or encourage the adoption of any such measure. It should establish the conditions and requirements applicable where competent authorities choose to adopt measures available to them under national law for the purpose of safeguarding housing affordability and availability in areas under housing stress, such as restrictions on non-primary residential use, requirements reserving affordable residential property for owner-occupation or for specified categories of households, including first-time buyers or lower- and middle-income households, measures addressing long-term vacancy, or declaration requirements regarding intended use prior to acquisition, or authorisation requirements concerning changes of use from residential to commercial or professional purposes.

(7) National, regional and local approaches diverge not only as regards the measures adopted, but also in the concepts and indicators used to identify housing stress, the thresholds applied, the evidence required and the standards used to assess whether restrictions are justified. Such divergences are likely to increase as more competent authorities take action in response to housing pressures. This fragmentation increases compliance costs and reduces legal certainty for economic operators active across the internal market, including online platforms operating across the Union, hosts offering properties in different Member States and cross-border buyers and investors. It thereby negatively affects the proper functioning of the internal market.

(8) The legal framework is chiefly regulated under Articles 49, 56 and 63 of the Treaty on the Functioning of the European Union (TFEU) and the jurisprudence of the Court of Justice of the European Union. For short-term accommodation rental services, access to, or the provision of, such services are regulated by Directive 2006/123/EC of the European Parliament and of the Council[4]. However, there is a lack of clarity as to what type of measures comply with Union law principles of justification, non-discrimination and proportionality.

(9) This Regulation should be applied in full respect of the right to property laid down in Article 17 of the Charter of Fundamental Rights of the European Union. Measures restricting the acquisition or use of land or residential property may interfere with the exercise of that right and should therefore be subject to requirements of necessity and proportionality. In particular, such measures should be based on objective evidence, be appropriately targeted in their territorial and material scope, not go beyond what is necessary to achieve the objective pursued, be limited in duration, respect legal certainty and legitimate expectations and be subject to effective judicial review. For instance, where measures address long-term vacancy of residential property, competent authorities should take into account situations in which non-occupation is justified by the circumstances of the owner or occupier. In particular, full account should be taken of temporary absence for reasons such as work, education or training, health, dependency or social emergency. The framework established by this Regulation should therefore ensure a fair balance between the protection of the right to property and the public interest in safeguarding access to affordable housing.

[4] Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36, ELI: http://data.europa.eu/eli/dir/2006/123/oj).

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(10) At the same time, in applying this Regulation, competent authorities should have regard to the right to respect for the home as reflected in Article 7 of the Charter, in accordance with Union law and national laws and practices.

(11) The fact that a measure falls within the scope of this Regulation should not be understood as implying that that measure is compatible with Union law. The compatibility of a measure with Union law depends on compliance with the applicable requirements of necessity and proportionality, having regard to the nature, scope and effects of the measure and to the circumstances in which it is applied. As follows from the case-law of the Court of Justice of the European Union, a measure may, for example, fail to comply with the requirement of non-discrimination where the discretion available to the competent authority gives rise to a risk of discriminatory application, including by subjecting nationals of other Member States to more stringent scrutiny than nationals of the Member State concerned.

(12) The Court of Justice of the European Union has recognised that safeguarding the availability and affordability of housing may constitute an overriding reason relating to the public interest capable of justifying restrictions on internal market freedoms, provided that the measure is suitable and proportionate. However, there are no specific rules at Union level that govern how competent authorities should demonstrate housing stress and establish that specific temporary measures are justified, suitable and proportionate. In the absence of a common framework governing the assessment of such measures, legal uncertainty may arise regarding the conditions under which housing-related interventions may be introduced, maintained or adapted. This may increase administrative burden, compliance costs and litigation risks and reduce predictability for competent authorities, citizens and economic operators.

(13) To improve legal certainty and the functioning of the internal market, it is necessary to establish a common Union framework governing the assessment of restrictive measures falling within the scope of Union law that competent authorities adopt to safeguard housing affordability and availability. That framework should not seek to harmonise housing policy choices or require competent authorities to intervene in housing markets. Rather, it should ensure that measures affecting internal market freedoms are assessed on the basis of common procedural requirements relating to evidence, transparency, justification and proportionality. It should contribute to greater predictability for competent authorities, the public and economic operators, while preserving the ability of competent authorities to adopt measures that are most suited to local circumstances.

(14) Housing markets are inherently local and often require responses adapted to local circumstances. Accordingly, competent authorities should retain the ability to determine whether intervention is necessary and which measures are most appropriate in light of local housing conditions. At the same time, citizens and economic operators active across the internal market would benefit from greater transparency and predictability regarding the conditions under which housing-related measures may be adopted.

(15) Directive 2006/123/EC establishes general provisions facilitating the exercise of the freedom of establishment for service providers and the free movement of services. That Directive applies to access to, or the provision of, short-term accommodation rental services. This Regulation governs specific aspects of access to, or the provision of, short-term accommodation rental services. It should apply, instead of Directive 2006/123/EC, to measures adopted by competent authorities which restrict access to, or

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the provision of, short-term accommodation rental services, where those measures are justified by the necessity to safeguard affordability and availability of residential property. Directive 2006/123/EC should continue to apply to measures restricting the access to, or the provision of, short-term accommodation rental services, both on primary and non-primary residences, taken on the grounds of overriding reasons relating to the public interest other than the necessity to safeguard housing affordability and availability, for example public policy, public security, public health, the protection of consumers, the protection of the environment and the urban environment, the protection of cultural heritage.

(16) In order to limit the negative impact on the internal market of any measure restricting access to, or the provision of, short-term accommodation rental services or restricting acquisition and use of land and residential property, such measures should be limited to areas where the acute pressure on the availability and affordability of residential property ('areas under housing stress') justifies action to safeguard affordability and availability of residential property, and be as proportionate as possible.

(17) There is no common Union methodology for determining when housing pressures are sufficient to justify restrictions affecting the internal market on housing affordability and availability grounds. Several Member States and their regional and local authorities use different concepts, indicators, thresholds, territorial units, data sources and procedures to determine whether an area is under housing stress. Some approaches focus on affordability indicators, such as price-to-income ratio, rent levels or housing cost overburden. Others use broader diagnostics, such as the share of secondary homes or vacant dwellings, the concentration of short-term rentals, the impact on social housing or the pressure on long-term rental markets. The lack of common, objective criteria creates legal uncertainty and hinders the assessment of whether measures are objectively justified, appropriately targeted and proportionate.

(18) It is therefore necessary to establish a common Union approach for determining whether an area is under housing stress.

(19) Where a competent authority intends to adopt a measure pursuant to this Regulation, it should assess housing stress in the area concerned on the basis of the price-to-income ratio and its growth across time, together with other indicators that make it possible to demonstrate that housing stress is unlikely to ease in the future. The fact that an area meets the criteria for housing stress should not automatically lead to adoption of any measure under this Regulation by a competent authority. The decision whether to intervene, and which measures to adopt, should remain with the competent authority.

(20) Price-to-income ratio measures the affordability of housing by comparing the price of acquiring a dwelling with household income. By combining the price-to-income ratio over last 10 years of available data, the competent authority can obtain a more complete picture of recent affordability dynamics. Comparing price-to-income indicators across regions and time gives a more nuanced view of both current affordability pressure and recent affordability dynamics and helps authorities identify emerging hotspots where price-to-income ratios may still be moderate but deteriorating rapidly. Thresholds on price-to-income indicate a level of unaffordability of housing and the persistence and aggravation of the local situation. Price-to-income ratio can also be used as a proxy for rent-to-income, as there is a positive correlation between housing prices and rents.

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(21) The Commission makes available regularly updated estimated data series that competent authorities can use for the calculation of the price-to-income ratio when assessing housing stress under this Regulation. Competent authorities should be able to use other reliable and sufficiently representative data meeting the requirements of this Regulation.

(22) To better understand housing pressures in a particular area, in addition to price-to-income ratio, the competent authority should also assess population trends, as well as housing supply and demand trends in that area. The evidence should be recent and geographically relevant and capable of verification. It is only when considered together that these elements help assess the severity of the housing situation and identify the specific circumstances, drivers and potential aggravating factors in each area. The territorial scope of the designation should be delimited as narrowly as the available evidence allows and might be smaller than the territorial unit at which data is available.

(23) To ensure that any measure restricting access to, or the provision of, short-term accommodation rental services or restricting the acquisition and use of land and residential property complies with Union law, it must be non-discriminatory, justified by an overriding reason relating to the public interest and proportionate.

(24) In accordance with the principle of proportionality, competent authorities should consider the available measures and select those that are suitable to safeguard housing affordability and availability and are no more restrictive than necessary to achieve that objective.

(25) Where measures concern the acquisition or use of residential land or residential property, competent authorities should consider and, where appropriate, use less restrictive measures than absolute prohibitions of certain acquisitions or uses of property, such as quantitative caps in areas under housing stress, grandfathering rules, exceptions for avoidance of undue hardships or fiscal incentives.

(26) In the field of short-term rentals, competent authorities should target the forms of activity most likely to have an adverse effect on the availability and affordability of housing for long-term residential use, such as those that are characterised by their commercial scale. Competent authorities should do so by taking into account objective criteria such as the number of dwellings offered by a single host, the frequency of the activity, or comparable indicators.

(27) This Regulation excludes the letting of a host's primary residence from any restrictions under its scope. This is because such lettings do not generally remove housing from the long-term market and should therefore be treated differently from forms of short-term rental activity that involve the use of housing stock not used as a primary residence. The exclusion of primary residences from restrictions on short-term rental activity under this Regulation constitutes a minimum safeguard and competent authorities may choose to further limit the categories of residential property to which their measures apply, in line with the principle of proportionality.

(28) Restrictions affecting the acquisition or use of residential property may have indirect implications, for example on property values, financing conditions or investment. Such effects will depend on the type, scope and duration of the measures adopted, the characteristics of the local housing market and the extent to which they are accompanied by measures to increase housing supply. To ensure that prudential aspects linked to the

measures taken in application of this Regulation are properly considered, the authority competent to apply this Regulation can consult and cooperate with the competent authority or the designated authority under point (40) of Article 4(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council[5] under Article 458(1) of Regulation (EU) No 575/2013 and under Article 133(3) of Directive 2013/36/EU of the European Parliament and of the Council[6].

(29) Restrictions affecting internal market freedoms must be suitable for attaining the objective pursued and must not go beyond what is necessary to achieve it. Accordingly, the presence of housing stress in a particular area should not in itself justify the adoption of restrictive measures. Competent authorities should demonstrate, on the basis of objective evidence, that the activity concerned has had a significant adverse effect on housing affordability or availability in the area concerned over at least three years preceding the adoption of the measure and that the measure is necessary and proportionate in light of the specific circumstances of the area concerned.

(30) While the use of residential property for the purposes other than the primary residence adds demand pressure in already constrained housing markets, the supply-demand mismatch is also driven by insufficient supply of residential housing. Restrictions on access to, or the provision of, short-term accommodation rental services or on the acquisition and use of land and residential property for purposes other than primary residence alone cannot address the structural causes of housing shortages in the long term. While restrictions that are limited in time and in scope could mitigate housing demand pressures in the short term, competent authorities should complement any such restriction with measures to increase housing supply in those areas, in particular the supply of social and affordable housing.

(31) In areas under housing stress, undertaking brownfield development projects and making better use of the existing building stock could help increase the supply of housing, especially in urban areas with limited land for new construction. Building codes, zoning rules, planning and permitting procedures are key factors where action by competent authorities could help better match housing demand and supply, supporting both the construction of new housing and bringing vacant dwellings back into use, as well as renovating and repurposing non-residential buildings into dwellings, and reducing under-occupation. To support public authorities, in September 2026 the Commission adopted a Recommendation on housing affordability and supply in areas under housing stress[7], including recommendations on mobilising public and private investments for housing supply, in particular for housing below market rates. That Recommendation can also support fighting housing exclusion and contribute to more inclusive and socially

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[5] Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/575/oj).

[6] Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338, ELI: http://data.europa.eu/eli/dir/2013/36/oj).

[7] OJ L , , p. .

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cohesive communities where housing is well connected to employment, education and essential services.

(32) Regulation (EU) 2024/1028 of the European Parliament and of the Council[8] establishes a harmonised framework for the registration of hosts providing short-term accommodation rental services and for the collection and sharing of data relating to such services. The availability of reliable and comparable information concerning the location, duration and intensity of short-term accommodation rental activity is important for competent authorities when assessing housing market conditions and determining whether measures affecting such activity are justified, necessary and proportionate. The data collected pursuant to Regulation (EU) 2024/1028 should therefore support evidence-based decision-making and facilitate the application of the proposed regulation.

(33) Measures adopted for the purposes of implementing Regulation (EU) 2024/1028 should not fall within the scope of this Regulation. This Regulation should apply only to other measures which regulate or restrict access to, or the provision of, short-term accommodation rental services or the acquisition or use of residential property for purposes other than primary residence on housing affordability grounds. Other measures relating to residential property and housing, including general rules governing property ownership and transfer, acquisition through inheritance, gifts and transfers within families, measures regulating rents under residential tenancy contracts, housing benefits, taxation measures of general application, building standards, and planning or zoning rules of general application, should remain outside the scope of this Regulation where they do not regulate or otherwise have the object or effect of leading to restrictions falling within its scope.

(34) The effectiveness of Regulation (EU) 2024/1028 is essential to ensure the reliability and completeness of the information competent authorities use when assessing housing pressures and the impact of short-term accommodation rental activity. Listings that do not comply with the requirements related to registration laid down in that Regulation undermine the quality of the available information and may hamper the effective enforcement of national, regional and local rules applicable to short-term accommodation rental services. It is therefore important that competent authorities are able, in accordance with Regulation (EU) 2024/1028, to require providers of online short-term rental platforms to remove or disable access without undue delay to listings that do not comply with those requirements.

(35) Competent authorities should uphold the principles of legal certainty, transparency, the protection of legitimate expectations and effective judicial protection. Natural and legal persons affected by measures adopted by competent authorities pursuant to this Regulation should benefit from appropriate procedural safeguards and have access to effective judicial review of those measures.

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[8] Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724 (OJ L, 2024/1028, 29.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1028/oj).

(36) In order to protect legal certainty and legitimate expectations, where competent authorities adopt measures restricting the acquisition or use of residential property or land, any condition linked to the acquisition should apply only to property acquired after the date of application of the measure. Persons who acquired property before that date should therefore not be subject to new restrictions linked to that acquisition imposed under this Regulation.

(37) To ensure that measures adopted pursuant to this Regulation do not remain in force for longer than necessary, they should be adopted for a period not exceeding five years, with a possibility to extend them following a review. Competent authorities should review them at regular intervals to verify that the conditions set out in this Regulation continue to be fulfilled. Where those conditions are no longer met, the measures should be withdrawn without undue delay.

(38) In order to ensure an accurate measurement of housing affordability pressures, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend data, thresholds, indicators and methodology used for calculation of price-to-income ratio where objective developments, demonstrated by relevant statistical or other reliable evidence, make such amendments necessary. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[9]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(39) In order to assess the impact of this Regulation on the functioning of the internal market and on the housing affordability and availability in Member States, the Commission should carry out an evaluation of this Regulation.

(40) Since the objective of this Regulation, namely to improve the conditions for the establishment and functioning of the internal market by providing a common framework for measures in Member States to safeguard the affordability and availability of housing, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

[9] OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

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HAVE ADOPTED THIS REGULATION:

Commented [A2]: DK: A concern for Denmark is whether the AHA-regulation can have an impact on the regulation allowing Denmark to set rules saying that **non-Danish citizens aren't allowed to obtain and own holiday homes in Denmark**. This is of great importance to Denmark and is a part of our scrutiny reservation.

Chapter 1
General provisions

Article 1

Subject matter

This Regulation establishes a common framework for measures taken by competent authorities to safeguard housing affordability and availability with a view to improving the conditions for the establishment and functioning of the internal market. It lays down common rules to ensure that measures taken pursuant to this Regulation are justified, transparent, proportionate and subject to review.

Article 2

Scope

1. This Regulation applies to the following measures taken by competent authorities, where those measures are justified by the necessity to safeguard housing affordability and availability:
   (a) measures restricting access to, or the provision of, short-term accommodation rental services in residential property;
   (b) measures restricting the acquisition or use of land and residential property that is not acquired or used for the purpose of a primary residence, whether occupied by the owner or by another person.
2. This Regulation does not apply to measures taken solely for overriding reasons relating to the public interest other than the need to safeguard housing affordability and availability.

Article 3

Relationship with other Union acts

1. The measures referred to in Article 2(1), point (a) shall not be subject to Directive 2006/123/EC, including the notification obligation laid down in Article 15(7) of that Directive.
2. This Regulation does not apply to any measures taken by competent authorities for the sole purpose of applying the provisions on registration laid down in Chapter II of Regulation (EU) 2024/1028.

Article 4

Definitions

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For the purposes of this Regulation, the following definitions apply:

(1) ‘competent authority’ means a national, regional or local authority of a Member State that is competent to apply this Regulation, including to take measures restricting access to, or the provision of, short-term accommodation rental services or restricting the acquisition or use of land and residential property;

(2) ‘area under housing stress’ means a clearly delimited subnational geographical area where a mismatch between housing supply and housing demand gives rise to observable pressures on the housing market, on the basis of an assessment carried out by the competent authority in accordance with Article 6;

(3) ‘residential property’ means immovable property intended for housing purposes;

(4) ‘primary residence’ means the residential property in which a natural person continues habitually to reside, and where the habitual centre of their interest is also situated, as further defined under national law;

(5) ‘price-to-income ratio' means the ratio between the representative price of a dwelling of average size in a specific area, expressed in euro, and the representative disposable income per capita, expressed in euro;

(6) ‘dwelling’ means a residential unit which may consist of one or several rooms designed for the occupation of households;

(7) ‘acquisition‘ means the acquisition of ownership of residential property, excluding transfers by way of succession, pursuant to a matrimonial property regime or the division or distribution of an estate, corporate reorganisations that do not result in a change in beneficial ownership, and the realisation of security by a creditor;

(8) ‘short-term accommodation rental service’ means short-term accommodation rental service as defined in Article 3(4) of Regulation (EU) 2024/1028;

(9) ‘host’ means host as defined in Article 3(2) of Regulation (EU) 2024/1028;

(10) ‘measures’ means provisions laid down by law, regulation or administrative action in Member States.

Chapter 2
Measures to safeguard housing affordability and availability

Article 5

Requirements for measures to safeguard housing affordability and availability

1. A competent authority may take any of the following measures, to the extent they are justified by the necessity to safeguard housing affordability and availability, and provided that those measures comply with the requirements laid down in Articles 6 to 10:

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(a) measures restricting access to, or the provision of, short-term accommodation rental services in residential property other than the host's primary residence;

(b) measures restricting the acquisition or use of land and residential property that is not acquired or used for the purpose of primary residence, whether occupied by the owner or by another person.

2. Measures restricting access to, or the provision of, short-term accommodation rental services solely on the grounds of safeguarding housing affordability and availability under this Regulation apply only to accommodation that is not provided by a host in its primary residence.

Article 6

Assessment of housing stress

1. The competent authority shall assess whether the area in which it intends to take measures meets the following criteria for being considered an area under housing stress:

(a) the price-to-income ratio is equal to or exceeds the threshold of eight, corresponding to eight years of disposable per-capita income to purchase a dwelling of average size in the residential building stock of the area concerned;

(b) the price-to-income ratio has increased over the period covering the most recent 10 years of available data;

(c) in the absence of the measure, the housing stress is unlikely to ease during the next three years following its adoption based on assessment of the following elements:

(i) population dynamics;

(ii) supply of housing;

(iii) demand for housing.

2. Where the price-to-income ratio is equal to or exceeds the threshold of 10, paragraph 1, point (b), shall not apply.

3. When assessing whether an area meets the criteria set out in paragraph 1, the competent authority shall base its assessment on objective, transparent and verifiable data, and in compliance with sound statistical principles.

4. The price-to-income ratio shall be calculated using data, thresholds, indicators and methodology specified in the Annex. Competent authorities may use alternative data at a more granular level, provided that they can demonstrate that the resulting price-to-income ratio is consistent with the thresholds referred to in paragraph 1, point (a), and paragraph 2.

Commented [A3]: DK: Denmark looks forward to get access to the data through the Joint Research Centre, as it is difficult to assess currently what areas will be affected.

Commented [A4]: DK: Denmark is concerned that if a MS uses alternative data, it will add an administrative burden when the MS have to ensure and show that is equivalent to the thresholds above.

5. The Commission is empowered to adopt delegated acts in accordance with Article 15 to amend paragraph 1, point (a), and paragraph 2 of this Article, as regards the thresholds, and the Annex, as regards the data, thresholds, indicators and methodology used for calculation, where objective developments, demonstrated by relevant statistical or other reliable evidence, make such amendments necessary to ensure an accurate measurement of housing affordability pressures.

Article 7

Territorial scope of an area under housing stress

The territorial scope of an area under housing stress referred to in Article 6 shall not exceed what is necessary to safeguard housing affordability and availability. Such areas may be districts, municipalities, metropolitan areas, functional urban areas, agglomerations, rural areas or any part thereof.

Article 8

Non-discrimination

The measures shall not be directly or indirectly discriminatory between nationals of Member States on grounds of nationality or, in the case of legal persons established in a Member State, on grounds of their Member State of establishment.

Article 9

Necessity

1. The measures may only be taken if they are justified by the need to safeguard housing affordability and availability in the areas under housing stress referred to in Article 6.
2. A competent authority shall take measures referred to in Article 5(1), point (a), only where it can demonstrate that the provision of short-term accommodation rental services in the area under housing stress has had a significant adverse effect on the availability or affordability of housing in that area over at least three years preceding the adoption of the measure. Where available, the competent authority shall take into account data obtained pursuant to Regulation (EU) 2024/1028.
3. A competent authority shall take measures referred to in Article 5(1), point (b), only where it can demonstrate that acquisition and use of land and residential property for purposes other than primary residence in the area under housing stress has had a significant adverse effect on the availability or affordability of housing in that area over at least three years preceding the adoption of the measure.
4. Measures referred to in Article 5(1), point (b) concerning long-term vacancy shall not apply where non occupation is justified, including by reasons of temporary absence

Commented [A5]: DK: Denmark is in doubt whether the relationship between recital 33 and Articles 5-6 of the AHA-regulation should be understood as such a planning option for Member State municipalities may, in the future, be subject to the conditions set out in Articles 6-10, including the central requirement in Article 6 to assess housing stress in the area concerned. Denmark is in doubt whether the fact that a planning provision concerning the use of dwellings in an area for year-round residence in practice constitutes measures that may lead to restrictions falling within the scope of the AHA-regulation, cf. recital 33 and Article 5. Denmark considers it problematic if this understanding is correct, as the Regulation could thereby limit the current discretion of Danish municipalities to carry out such planning on the basis of ordinary planning considerations.

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for work, education or training, health, ongoing succession proceedings, legal impediment to occupation or inhabitability.

Article 10

Proportionality

1. The measures shall be suitable for attaining the objective pursued, shall not go beyond what is necessary to attain that objective and shall meet the following requirements:

   (a) they are territorially limited to the area under housing stress and, where appropriate, calibrated to different levels of housing stress within the area;

   (b) they are based on an assessment that no other less restrictive measure would be sufficient to improve housing affordability and availability in an equally effective manner within a reasonable period;

   (c) they comply with the principles of legal certainty and the protection of legitimate expectations;

   (d) for measures referred to in Article 5(1), point (a), they are calibrated to forms of short-term accommodation rental activity that, by reason of their scale, frequency or commercial character, are more likely to reduce the availability of housing for long-term residential use;

   (e) for measures referred to in Article 5(1), point (a), the competent authority applies and enforces Regulation (EU) 2024/1028 in the relevant geographical area, in particular its provisions on registration, including suspension and withdrawal of registration numbers, verification, data-sharing and orders requiring the removal or disabling of listings without a registration number, with an invalid registration number or involving misuse of a registration number;

   (f) for measures referred to in Article 5(1), point (b), insofar as they impose restrictions on the acquisition of residential property and land, they apply only to property and land acquired after the date of application of the measure;

   (g) for measures referred to in Article 5(1), point (b) relating to long-term vacancy, they are calibrated, on the basis of objective criteria, to the nature and extent of long-term vacancy most likely to reduce the availability of housing for long-term residential use, taking into account in particular the number of dwellings held by the same owner in the area concerned, the duration of non-occupation or acquisition by legal persons.

2. For the purposes of paragraph 1, where measures affect existing lawful situations, they shall include appropriate transitional arrangements.

Commented [A6]: DK: In **Article 10(1)(e) of the AHA**-regulation it is specifically regulated that a Member State has to enforce the STR-regulation, and in particular the provisions on registration, if the Member State chooses to apply the AHA-regulation. This seems to be in contradiction with the principle of volunteering of the use of registration tool in the STR-regulation. Denmark finds it inappropriate that Member States are enforced to make a full implementation of the STR-regulation (Regulation 2024/1028), if the Member State chooses to use the AHA-regulation and suggests that it becomes voluntarily for a Member State to use the registration tool in the STR-regulation in order to use the AHA-regulation.

PUBLIC

Article 11

Procedural safeguards and judicial review

Natural and legal persons affected by the measures taken pursuant to Article 5 shall have access to appropriate procedural safeguards and to effective judicial review of those measures, including the possibility to challenge the assessments carried out by the competent authority to ensure compliance with Articles 6 to 10.

Article 12

Duration and review of measures

1. Measures shall be adopted for a period not exceeding five years. They may be extended where, following the review referred to in paragraph 2, the competent authority concludes that the requirements laid down in Articles 6 to 10 continue to be fulfilled.
2. A competent authority shall regularly review whether a measure referred to in Article 5 continues to comply with the requirements laid down in Articles 6 to 10. The first review shall be carried out within five years from the date of adoption of the measure.
3. Where, following the review, a competent authority concludes that a measure no longer fulfils the requirements laid down in Articles 6 to 10, it shall withdraw that measure without undue delay.

Article 13

Publication of the measures

1. A competent authority shall make publicly available information on any measure adopted pursuant to Article 5, and on the extension, amendment or withdrawal of the measure, before its entry into force.
2. The information referred to in paragraph 1 shall include:
   (a) the assessments carried out by the competent authority to ensure compliance with Articles 6 to 10;
   (b) the precise territorial scope of the area under housing stress and of the measure;
   (c) the duration of the measure.

Chapter 3
Final provisions

Article 14

Existing measures

This Regulation shall not apply to measures adopted before *… [PO please insert the date: the date of entry into force]*. However, a competent authority may review such measures in accordance with this Regulation.

Commented [A7]: DK: Denmark has understood that the wording in **Article 14**: "*… However, a competent authority may review such measures in accordance with this Regulation.*" implies, that in case a Member State has an existing legislation, that was adopted before the AHA-regulation enters into force, and the Member State wishes to adjust this legislation afterwards, the Member State is not obligated to comply with AHA-regulation with regards to this adjustment of the existing legislation. This could be the situation where an existing legislation imposes a penalty for failure to comply with the legislation on e.g. renting out a non-primary residence.
Could the Commission please clarify whether Article 14 allows the Member State to amend pre-AHA-regulation existing legislation after the AHA-regulation has entered into force, e.g. by increasing the penalty for not complying with the existing legislation, without being in compliance with AHA-regulation?
The applicable Danish legislation on **physical planning** enables municipalities to determine that dwellings in urban zones may only be used for year-round residence.

PUBLIC

Article 15

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article 6(3).
2. The power to adopt delegated acts referred to in Article 6(3) shall be conferred on the Commission for an indeterminate period of time from … *[PO please insert the date: the date of entry into force of this Regulation]*.
3. The delegation of power referred to in Article 6(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the O*fficial Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 6(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 16

Evaluation

By … *[PO, please insert the date: same day and month as the date of entry into force plus 5 years]*, the Commission shall evaluate the impact of this Regulation on the functioning of the internal market and on housing affordability and availability and shall submit a report on its main findings to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Article 17

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

PUBLIC

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

PUBLIC

EL Comments

Directorate of Housing Policy

Subject: Comments on the Proposal for a Regulation on the Affordable Housing Act

29 September 2026

Preliminary observations on the Proposal for a Regulation on the Affordable Housing Act

Subject to further and more detailed examination of the proposed Regulation, the European Commission's initiative to establish a clearer and more predictable EU framework governing the measures that national, regional and local authorities may take to address housing pressures, particularly where such measures affect the freedoms of the internal market, is viewed positively in principle.

Particular importance is attached to the clear recognition that housing policy remains primarily a competence of the Member States and of the competent regional and local authorities. The common European approach should therefore support the exercise of national housing policy and enhance legal certainty, without resulting in substantive harmonisation of individual policy choices or restricting the ability of Member States to respond to the specific circumstances prevailing in their national and local housing markets. The Commission itself presents the proposal as establishing a framework of common requirements relating to evidence, necessity and proportionality, rather than as imposing an obligation to adopt specific restrictive measures.

This approach is broadly aligned with the wider national housing policy framework, which combines measures aimed at increasing the supply of social and affordable housing, making better use of the existing housing stock and addressing specific pressures in the housing market. This reference to national policy planning is intended to provide general policy context and does not prejudge the implementation, final design or timetable of any individual measure.

1. Methodology for identifying areas under housing pressure

A central issue in the proposal concerns the methodology on the basis of which an area may be designated as an area under housing pressure and, in particular, the use of the price-to-income ratio (PTI). Under the proposed framework, the assessment is based on the relationship between a representative dwelling price and representative disposable income, the development of the relevant ratio over a ten-year period, and an assessment of the expected evolution of housing pressures in the years ahead.

In this context, the key consideration is not only the level of the proposed PTI thresholds, but also the manner in which the two underlying variables — disposable income and the representative dwelling price — are determined. The choice of data sources, geographical scale, reference period and methodology used to determine both income and dwelling prices may materially affect the resulting ratio and, consequently, the designation of an area as being under housing pressure.

It should be noted that the technical and methodological assessment of the manner in which disposable income and property values are determined should be assessed by the competent authorities in Greece ahead of the formulation of a national position on these specific parameters.

PUBLIC

From a housing policy perspective, the principal objective should be to ensure that the final methodology adequately reflects actual housing market conditions and can serve as a reliable tool for the design and targeting of relevant policies.

Against this background, further clarification from the Commission would be appropriate regarding the data sources and methodology to be used for calculating *representative disposable income* and *representative dwelling price*, as well as regarding the scope for using national or more granular local data where these provide a more accurate picture of conditions in the relevant housing market.

2. Capturing pressures in the rental market

Particular attention should also be paid to whether the proposed methodology adequately captures pressures arising in the long-term rental market.

The principal indicator links dwelling purchase prices to disposable income, whereas in a number of areas housing pressure may manifest itself primarily through limited availability of dwellings for long-term rental and/or significant increases in rents. The Commission notes that the PTI may serve as a proxy for the rent-to-income ratio, given the correlation between purchase prices and rents.

It should therefore be considered whether direct data on rent levels, the availability of dwellings for long-term rental and the corresponding housing cost burden on households could be taken into account with sufficient weight where such pressures are not fully reflected in property purchase prices.

3. Local specificities, insularity and seasonality

In the Greek context, particular importance attaches to ensuring meaningful flexibility in the application of the common methodology to housing markets displaying highly differentiated characteristics. Insularity, tourism activity and seasonality may generate forms of housing pressure that are not always adequately captured by annual average indicators. In certain areas, for example, increased seasonal demand, the limited supply of housing for long-term rental and significant fluctuations in actual population levels may give rise to particularly acute housing needs.

It is viewed positively that the proposal provides for the possibility of using more granular data and allows the geographical delimitation of an area under housing pressure not necessarily to coincide with the administrative boundaries of a municipality, but also to encompass smaller or functionally defined areas.

It should nevertheless be ensured that this possibility can be effectively used in practice, through clear and workable rules governing the use of more granular national or local data and their relationship with the common European thresholds.

4. Three-year evidentiary requirement concerning the impact of the activity to be restricted

Particular attention is required in relation to the provision whereby the designation of an area as being under housing pressure is not, in itself, sufficient to justify the imposition of a restrictive measure. The competent authority is additionally required to demonstrate that the specific activity it intends to restrict — for example, short-term rentals — has had a significant adverse impact on housing affordability or availability for at least the preceding three years.

PUBLIC

This requirement raises practical issues regarding the availability and quality of the necessary data, particularly in smaller local housing markets or in cases where the severity of the problem changes rapidly.

It would therefore be appropriate to clarify the acceptable forms of evidence, possible alternative data sources and, in particular, the treatment of situations in which severe housing pressure emerges or intensifies within a shorter timeframe, so as to ensure that the requirement for three years of historical evidence does not disproportionately constrain the ability of the competent authorities to intervene in a timely manner.

5. Short-term rentals and the host's primary residence

The proposal provides that restrictions on short-term rentals, where based exclusively on considerations of housing affordability and availability, should not apply to the host's primary residence. At the same time, measures should target those forms of activity that are more likely to adversely affect the stock of housing available for long-term residential use, taking into account their scale, frequency and commercial nature.

This distinction is understandable as a means of differentiating the occasional use of a primary residence from more systematic forms of economic activity.

At the same time, sufficient clarity is required regarding the discretion retained by Member States in defining a primary residence and regarding the operation of the exemption in particularly small, island or seasonal housing markets, where even limited changes in the available housing stock may have a significant impact.

6. Existing measures and subsequent amendments

The provision in Article 14 whereby the new Regulation does not apply to measures adopted prior to its entry into force is viewed positively.

Greater clarity is nevertheless required regarding situations in which, following the date of application of the Regulation, an existing measure:

- is extended;
- is amended;
- is expanded to a new geographical area; or
- is altered in terms of its intensity or substantive content.

It should be clearly established when such a change constitutes the continuation of an existing measure and when it is to be regarded as a new intervention fully subject to the requirements of the new Regulation.

7. Duration and review of measures

The provision establishing a maximum duration of five years and requiring periodic review of restrictive measures serves the objective of ensuring that such measures remain linked to actual and up-to-date market conditions.

At the same time, a proportionate and workable procedure for extending a measure should be provided for where the circumstances justifying that measure continue to exist.

PUBLIC

In cases involving structural and long-term housing problems, the review process should ensure a substantive reassessment of the necessity of the measure without resulting in an unjustified repetition of the entire administrative and evidentiary process.

8. Commission Recommendation on increasing housing supply

With regard to the Commission's non-binding Recommendation, the particular emphasis placed on increasing the supply of social and affordable housing, making better use of existing buildings and public real estate, accelerating permitting procedures and mobilising additional financing instruments is viewed positively.

These policy directions broadly correspond to areas also addressed by national housing policy planning, which includes — at varying stages of maturity — interventions relating to social and affordable housing, the use of public real estate, the activation of vacant or underused housing stock, and the development of new administrative and financing instruments.

At the same time, given the non-binding nature of the Recommendation and the substantial differences between Member States in terms of housing market structure, administrative arrangements, spatial and urban planning frameworks and available sources of financing, it is important to preserve broad national discretion regarding the selection, prioritisation and timing of implementation of individual instruments.

Overall observation

The Commission's initiative may contribute to greater legal clarity and to the establishment of a more predictable framework for interventions by Member States in housing markets experiencing significant pressures.

A key prerequisite, however, is that the final framework strike an appropriate balance between the need for common European safeguards and the flexibility required for the exercise of national and local housing policy, and that it should not, in practice, result in a uniform approach that fails to take sufficient account of the significant differences between housing markets across the Union.

From the Greek perspective, particular importance attaches to adequately capturing actual housing pressures, ensuring the possibility of using reliable and more granular local data, taking into account specific characteristics such as insularity and seasonality, and ensuring that evidentiary requirements remain proportionate and workable in practice.

PUBLIC

FI comments

Article 2 - Scope

The draft Regulation applies to measures adopted by competent authorities where such measures are justified by the need to ensure **housing affordability and availability.** Clarification would be appreciated regarding the **determination of whether a particular measure falls within the scope of the Regulation.**

How should measures pursuing multiple public policy objectives be assessed for the purposes of Article 2?

Many national, regional and local measures may simultaneously pursue housing policy objectives and other legitimate public interests. **For example, a building permit may serve both housing policy objectives and broader spatial planning purposes.**

In such circumstances, is the measure to be regarded as falling within the scope of the Regulation **where housing policy constitutes only one of several objectives pursued by the measure?** If so, is there a threshold or methodology for determining when a housing-related objective is sufficiently significant to bring the measure within the scope of the Regulation?

Further clarification would also be useful as regards **legal certainty**.

How are the objective, purpose and scope of a measure to be identified and assessed in practice? Should this assessment be based on the legal basis of the measure, **its stated objectives, its practical effects, or a combination of these factors?**

With regard to **measures relating to the acquisition or use of land and residential property** that is not acquired or used as a principal residence, clarification would be appreciated concerning situations where, at the time of acquisition, it is not yet known whether the dwelling will be used as a principal residence. How should the Regulation be applied in such circumstances and at what point should the intended use be assessed?

PUBLIC

Article 4 - Definitions
Definition of competent authority

Article 4 defines **a "competent authority" as a national, regional or local authority with powers to apply the Regulation.** Clarification would be appreciated regarding the scope of this concept. Can entities other than public authorities in the strict sense be regarded as competent authorities where they are entrusted with the performance of public functions or public tasks under national law? **For example, could public foundations or other entities exercising public powers** fall within the definition, similarly to the functional approach applied in certain areas of EU law, including State aid law?

Definition of measures

Further clarification would be appreciated regarding the definition of "measures", which refers to provisions laid down by law, regulation or administrative action.

In particular:

- What are the essential characteristics of a "provision" for the purposes of this definition?
- Can **permit conditions imposed** in individual cases constitute such provisions?
- Is the concept intended to cover **only normative acts of general application**, or can it also encompass other legal instruments that impose binding conditions?

For reasons of legal certainty, it would be helpful to clarify **whether the term "measures" extends** to instruments such as:

- legislative acts and regulations;
- municipal building regulations instruments or similar normative rules;
- administrative decisions, including building permits and land-use planning decisions;
- contractual arrangements used by public authorities, such as land lease agreements, land disposal or transfer agreements or land-use agreements, through which housing policy conditions may be imposed.

PUBLIC

Article 6 – Assessment of Housing Stress

Article 6 requires competent authorities to assess whether an area meets the criteria for being considered a housing-stressed area. Clarification would be appreciated regarding the legal consequences of assessment errors made by competent authorities acting in good faith.

Where a competent authority has interpreted and applied the criteria laid down in Article 6 **based on the information reasonably available at the time**, but that assessment is subsequently found to be incorrect, **what are the legal consequences under the Regulation?**

More generally, how does the Commission envisage the operation of Article 6 from the perspective of legal certainty and administrative predictability? Are Member States expected to ensure the correctness of the assessment outcome, or only that the assessment process has been conducted diligently and based on an objectively reasonable interpretation of the criteria set out in the Regulation?

Clarification on these issues would be particularly valuable to ensure that competent authorities can apply the housing-stress criteria in a predictable and legally certain manner.

PUBLIC

RÉPUBLIQUE FRANÇAISE
Liberté
Égalité
Fraternité

Paris, le 29 septembre 2026

NOTE DES AUTORITÉS FRANÇAISES

Objet : Commentaires des autorités françaises suite à la réunion du groupe de travail du 22 septembre 2026 sur le projet de règlement sur le logement abordable.

A la suite de la réunion du groupe de travail du 22 septembre, les autorités françaises souhaitent partager plusieurs commentaires et questionnements avec la Présidence et la Commission européenne.

1. Tout d'abord, d'une façon générale, ce projet de règlement suscite des réserves importantes de la part des autorités françaises, en particulier en ce qui concerne le respect du **principe de subsidiarité (au niveau national et local) et les compétences des Etats membres**, le logement n'étant pas une compétence de l'UE. Les autorités françaises s'interrogent particulièrement sur le point de savoir si le texte n'entre pas dans le cadre de l'article 192(2) du TFUE qui prévoit au paragraphe b que les mesures affectant l'aménagement du territoire et l'affectation des sols doivent être prises à l'unanimité. Les autorités françaises s'interrogent également du choix de l'article 114 TFUE comme base légale, l'objectif affiché par la Commission étant d'augmenter la disponibilité et le caractère abordable du logement, et non d'harmoniser le marché commun. Elle rappellera qu'il n'y a pas un seul, mais une multitude de marchés du logement dans l'Union européenne.

PUBLIC

2. S'agissant du **choix de l'instrument**, les autorités françaises s'interrogent sur les raisons ayant poussé la Commission à proposer un règlement plutôt qu'une directive. En effet, la Commission évoque la nécessité de préciser les critères permettant d'évaluer la proportionnalité et la justification des mesures de restriction des locations de courte durée. Toutefois, elle n'explique pas pourquoi ces critères devraient nécessairement être identiques dans tous les Etats membres, ni en quoi des critères identiques amélioreraient la transparence ou la sécurité juridique pour les citoyens ou les opérateurs économiques – compte tenu de ce que les réglementations elles-mêmes resteront, en toute hypothèse, différente d'un endroit à l'autre.

La Commission évoque la nécessité d'un « cadre procédural commun ». Toutefois, la proposition de texte semble aller au-delà d'un tel cadre en établissant une procédure précise contraignante et unique, selon le modèle du « *One-Size-Fits-All* ».

Dans le prolongement, les autorités françaises s'interrogent sur ce que recouvre le « *manque de clarté quant aux types de mesures qui sont conformes aux principes de justification, de non-discrimination et de proportionnalité du droit de l'Union* » évoqué au considérant 8 pour justifier l'insuffisance des dispositions de la directive 2006/123/CE du Parlement européen et du Conseil à régir spécifiquement les services de location de logements de courte durée.

3. S'agissant du **champ d'application du texte (art. 2, considérant 15)**, les autorités françaises s'interrogent sur le texte qui serait à l'avenir applicable aux mesures qui ne seraient justifiées **ni exclusivement par la nécessité de préserver l'accessibilité financière et la disponibilité des logements, ni exclusivement par des raisons autres.**

En particulier, des mesures prises au niveau local pourraient poursuivre les deux objectifs. Des mesures édictées au niveau national pourraient également être mises en œuvre de manière différente localement, à savoir pour des raisons liées au logement dans une commune A, des raisons autres dans une commune B, et un mélange des deux dans la commune C – sans que la proposition de règlement, en l'espèce, ne permette de déterminer quel serait le texte applicable.

A cet égard, comment les autorités publiques compétentes peuvent-elles combiner l'application de la directive 2006/123/CE qui permet une adaptation justifiée par des circonstances locales avec ce nouveau motif spécifique d'intervention reposant sur un régime juridique précisément encadré par un règlement ?

PUBLIC

4. S'agissant de **l'exclusion des réglementations relatives aux résidences principales du champ du règlement (art. 5-1 a)**, la Commission considère-t-elle que celle-ci empêcherait les Etats membres de fixer une durée annuelle maximale totale durant laquelle un logement peut être mis en location de courte durée, afin de préserver son caractère de résidence principale ? Une telle restriction pourrait-elle être prise sous le régime de la directive « Services » ?

5. S'agissant de **la définition de zones tendues dans lesquelles il est possible de réglementer les locations de courte durée (art. 6, art. 9-1, considérant 29…)**, les autorités françaises s'interrogent sur la pertinence de l'approche proposée par la Commission, qui consisterait à imposer un critère unique et strict, « *One-Size-Fits-All* », pour la définition des zones tendues dans l'ensemble de l'Union européenne, alors même qu'elle reconnaît une grande diversité des situations. A l'inverse, **une approche permettant à chaque Etat membre de déterminer lui-même ses zones tendues, sur la base de critères objectifs et transparents, ne permettrait-elle pas de mieux adapter cette définition aux situations réelles, conformément également au principe de subsidiarité ?**

A ce titre, les autorités françaises signalent qu'elles ont déjà défini, de longue date, un zonage des communes tendues, dit « *zonage TLV* », dont la définition prend notamment en compte le déséquilibre entre l'offre et la demande de logement. Ce zonage concerne près de 3700 communes (10% des communes françaises), et présente en outre l'avantage d'être connu, prévisible, et donc de présenter une forte sécurité juridique. Il est d'ores et déjà utilisé pour déterminer les conditions dans lesquelles les communes peuvent réglementer les locations de courte durée.

6. S'agissant de **la nécessité et de la proportionnalité des mesures de régulation des locations de courte durée (art. 9 et 10)**, les autorités françaises s'interrogent sur la complexité et la lourdeur administrative des procédures demandées aux autorités locales.

En particulier, l'obligation de démontrer que la fourniture de services de location de logements de courte durée a eu un effet néfaste substantiel sur la disponibilité ou l'accessibilité financière des logements dans cette zone pendant une période d'au moins trois ans avant l'adoption de la mesure (art. 9-2), pourrait être très difficile à mettre en œuvre. La Commission souligne elle-même, à juste titre, que les locations de courte durée ne sont ni la seule ni la principale cause de la crise du logement, mais qu'elles peuvent contribuer à l'aggraver. Dans ce contexte, il pourrait être particulièrement difficile, notamment pour les plus petites communes concernées, de démontrer précisément et de manière chiffrée la contribution isolée des locations de courte durée à la crise de l'abordabilité du logement. Cela pourrait créer des charges administratives importantes, ainsi que des risques substantiels de contentieux.

PUBLIC

L'obligation de justifier ces effets sur trois ans avant la prise de mesures pourrait également sembler disproportionnée, d'autant que, dès lors que des logements perdent leur caractère de logement, la situation est constituée parfois de manière irréversible. A l'inverse, ne semblerait-il pas plus efficace de commencer la régulation le plus tôt possible, avant que le problème ne se fasse sentir de manière très significative ?

7. S'agissant de **la durée et le réexamen des mesures (art. 12)**, les autorités françaises s'interrogent sur les charges administratives potentiellement excessives qui pourraient découler de la proposition de la Commission, sans que celles-ci ne répondent à une nécessité établie.
   Ainsi, pourquoi imposer dès le début une durée limitée des mesures prises, plutôt qu'un réexamen périodique afin de savoir si la condition de tension est toujours remplie ? Comme le souligne la Commission, les locations de courte durée ne sont pas la seule ni la principale cause de la crise de l'abordabilité du logement. Aussi, les mesures d'encadrement de ces locations ont souvent plus pour objet d'empêcher la situation de se dégrader encore, plutôt que de l'améliorer. Dans ce contexte, prendre dès le départ des mesures pour une durée limitée à cinq ans, même renouvelables, ne pourrait-il pas être inefficace, provoquer des charges administratives, et être source d'instabilité et d'insécurité juridique ?

8. Les autorités françaises remercient la Commission d'avoir intégré dans sa proposition une disposition permettant de **sauvegarder les mesures existantes (art. 14)**. Elles souhaiteraient néanmoins savoir quelles sont précisément les mesures couvertes par ces dispositions, et en particulier :
   - cette disposition interdirait-elle aux mesures existantes d'évoluer, postérieurement à l'entrée en vigueur du règlement ? Par exemple, une commune française qui réglemente déjà le changement d'usage pourrait-elle faire évoluer sa réglementation ?
   - cette disposition concerne-t-elle la déclinaison locale de mesures nationales ? En France, par exemple, la réglementation du changement d'usage est encadrée au niveau national, mais chaque commune peut décider de l'appliquer ou non. Cela sera-t-il toujours le cas après l'entrée en vigueur du règlement ? Si non, la Commission ne craint-elle pas de créer une situation où certaines communes appliquent des règles antérieures au règlement, et d'autres des règles postérieures au règlement, ce qui serait source d'inégalités et d'insécurité juridique ?

PUBLIC

COURTESY TRANSLATION

This is a courtesy translation and in the event there are any differences between the French and English texts, the French text governs.

Comments from the French authorities following the working group meeting of 22 September 2026 on the draft regulation for affordable housing

Following the meeting of the working party on 22 September, the French authorities would like to share a number of comments and questions with the Commission.

1. Firstly, in general terms, this draft regulation raises significant concerns from the French authorities, particularly regarding compliance with the **principle of subsidiarity (at both national and local levels) and the competences of Member States**, as housing is not a competence of the EU. The French authorities are particularly questioning whether the text falls under Article 192(2) of the TFEU, which provides in paragraph (b) that measures affecting land use and spatial planning must be adopted unanimously. The French authorities also question the choice of Article 114 TFEU as the legal basis, given that the Commission's stated objective is to increase the availability and affordability of housing, rather than to harmonise the internal market. They will emphasise that there is not one, but a multitude of housing markets within the European Union.

2. Regarding the **choice of instrument**, the French authorities would like to know which reasons have led the Commission to propose a Regulation rather than a Directive. Indeed, the Commission puts forward the need to more clearly define the criteria for evaluating proportionality and justification of measures regulating short term rentals. However, it is not clear why these criteria should necessarily be identical across all Member States, nor how such identical criteria would strengthen transparency or legal certainty for citizens or economic operators – given that the regulations themselves will continue to differ from place to place.

   Further, the Commission speaks about a "*common procedural framework*". Does the Commission consider that the proposed Act goes beyond such a framework, by seeking to establish a precise, unique, and binding procedure, on a "*One-Size-Fits-All"* basis?

PUBLIC

The French authorities also wonder what is meant by the 'lack of clarity as to the types of measures which comply with the principles of justification, non-discrimination and proportionality of EU law' referred to in recital 8 in order to justify the inadequacy of the provisions of Directive 2006/123/EC of the European Parliament and of the Council to specifically govern short-term accommodation rental services.

3. Regarding the **proposed scope of the Act (art. 2; recital 15)**, the French authorities seek clarification on what text would in the future be applicable to measures that aren't **justified solely either by the necessity to preserve financial accessibility and availability of residential housing, or by other reasons.**

   Many local regulatory measures could indeed pursue both objectives. Furthermore, national measures could be applied locally in a very differentiated manner, for example for housing reasons in municipality A, non-housing reasons in municipality B, and a mix of both in municipality C. At this stage, it does not seem clear which measures would be governed by the AHA, and which by the Services Directive.

   In that regard, how can the competent public authorities combine the application of Directive 2006/123/EC, which allows for an adaptation justified by local circumstances, with this new specific ground for intervention based on a legal regime precisely framed by a regulation?

4. Regarding the **exclusion from the scope of the AHA of measures regulating primary residences (art. 5-1 a)**, does the Commission consider that this would prevent Member States or local authorities from taking measures that set an annual maximum number of nights during which a primary residence may be let as a short-term rental, even when that measure is designed to ensure that it effectively remains a primary residence (and is not just fraudulently declared as such)? If not, could such a measure still be taken under the Services Directive?

5. Regarding **the definition of stressed areas in which it is possible to regulate short-term rentals (art. 6 and 9-1, recital 29…)**, French authorities seek clarification as to the approach chosen by the Commission, which consists in imposing one, single, strict, *one-size-fits-all* criterion of housing stress (the price-to-income ratio) – even though the Commission rightly recognizes how different local circumstances can be. Would a different approach, in which each Member State could determine its own stressed areas, on the basis of objective and transparent criteria, allow for a better adaptation to local needs, and therefore be more in line with subsidiarity?

PUBLIC

French authorities would like to underline that France already has clear, long-established "*areas under housing stress*" (called "*zonage TLV*"), whose definition includes the imbalance between housing supply and demand. Thus, nearly 3700 municipalities (about 10%) are considered under housing stress. These areas are, by now, well-known and well-understood, and thus present a high level of legal certainty. Furthermore, these areas already play a role in how municipalities may regulate short-term rentals.

6. Regarding **the necessity and proportionality of measures intended to regulate short-term rentals (art. 9 and 10)**, French authorities seek clarification on the risk of greater complexity and administrative burden deriving from the procedures and justifications that could be imposed on local authorities.

   In particular, the provision requiring that authorities demonstrate that the provision of short-term accommodation rental services in the area under housing stress has had a significant adverse effect on the availability or affordability of housing in that area over at least three years preceding the adoption of the measure (art. 9-2), could prove very difficult to implement. The Commission rightly underlines that short term rentals are neither the sole nor the principal cause of housing stress, but that they can contribute to aggravating it. In this context, it might prove exceedingly difficult for local authorities, especially smaller municipalities, to demonstrate precisely and objectively what the isolated contribution of short-term rentals to the housing crisis is. This might create significant administrative burden, and open up the risk of substantial litigation.

   Furthermore, has the Commission considered whether the requirement to document the effects of short-term rentals three years before any measures are taken might be disproportionate, or counter-productive? Indeed, it could be argued that it is more effective to start regulating as soon as possible, and before the problem has gotten out of hand – especially since, once housing is converted into short-term rentals, the former residents have already lost their home, and it might be more difficult to convert the unit back to long-term housing?

7. Regarding the **duration and review of measures (art. 12)**, French authorities seek clarification on whether the proposal could lead to excessive administrative burdens, which might not be justified by a clear need.

PUBLIC

How does the Commission justify imposing that measures may only be taken initially for five years (subject to renewal), and would it not be sufficient to require periodic review of the situation without requiring the measure to expire if nothing has changed? As the Commission rightly recalls, short term rentals are neither the sole nor the principal cause of the affordability crisis, and any measures taken are more likely to stop or slow the aggravation of the crisis, rather than reverse it. In this context, would it not seem inefficient and unduly burdensome to require authorities to renew or re-adopt measures, even if the situation has not changed substantially? Does the Commission worry that this could furthermore lead to instability and legal uncertainty?

8. The French authorities would like to thank the Commission for including a provision that **safeguards existing measures (art. 14)** in the proposed act. However, they would like to seek clarification on the exact scope of this provision. In particular:

   - Would this provision mean that measures taken before the AHA is enacted can still evolve afterwards, or would any substantial change mean that the measure now falls under the AHA? For instance, could a French municipality that has a change-of-use regulation still make changes to that regulation, without falling under the AHA?
   - Does this provision cover local measures that are merely the application of national measures? For instance: in France, the change-of-use regulation is largely defined on a national level, but it's up to municipalities to choose to enact it and to tailor it to their needs. Could a municipality that does not have a change-of-use regulation before AHA still enact one afterward, under the existing national framework? If not, is the Commission not worried that this would create a situation where some municipalities are subject to the old rules, and some to the new rules – and would that not create inequalities before the law, and legal uncertainty for citizens and economic operators?

PUBLIC

HR comments
following the meeting of the WP on internal market on 22 September 2026
on the Affordable Housing Act

28 September 2026

1. Scope and relationship with existing legislation (Articles 1, 2, 3, 4, 14, 16 and 17)

Croatia supports the objective of the proposal to provide greater legal certainty and a common framework for assessing housing-related measures affecting the internal market.

At the same time, we would like to stress that the Regulation should **not result in harmonisation of national housing policies** or constrain legitimate national and local regulatory instruments which pursue other public-interest objectives.

In this respect, we see an important issue in **Article 2** and the use of the term "solely". **National measures may pursue several legitimate objectives at the same time**. This is particularly relevant for our national framework governing short-term rentals in multi-apartment buildings, where the primary objective is the protection of co-owners' rights, the quality and safety of living and the peaceful use of buildings, although the measures may also contribute to housing availability.

We therefore need a clear safeguard that such national rules remain outside the scope of this Regulation where they are independently justified by another legitimate public-interest objective.

We also need clarification of **Article 5** regarding **primary residences**. The exclusion of primary residences from housing-affordability measures should not affect national rules concerning co-ownership, building management, safety and the quality of living.

Finally, we welcome **Article 14** on existing measures but would appreciate further clarification on how **amendments to existing national measures** would be treated under this provision. More generally, Croatia would like to ensure that the relationship between this Regulation, the Services Directive and Regulation on data collection relating to STR is sufficiently clear, especially where national measures pursue several objectives.

PUBLIC

We therefore support the general direction of the proposal but consider these points essential for further work on its scope and relationship with existing legislation.

2. Assessment of housing stress, territorial scope and requirements for measures to safeguard housing affordability and availability (Articles 5 – 13)

First, we support the use of common and evidence-based criteria. However, we are concerned that the proposed methodology may be too rigid for highly diverse local housing markets.

Regarding **Articles 6 and 7 – The price-to-income ratio** is an important indicator, but it cannot by itself capture all relevant local housing pressures. This is particularly important for tourist-intensive areas, coastal areas and islands, where secondary homes, short-term rentals, seasonal demand and very limited possibilities to increase housing supply can have a significant impact.

We therefore consider it important that competent authorities can rely on reliable and representative national, regional and local data, including data at a more granular level, where this better reflects the actual housing market concerned.

Second, we have concerns regarding **Article 9** and the **requirement to demonstrate a significant adverse effect over at least three years**.

This may prevent competent authorities from acting in a timely and preventive manner. In some local housing markets, objective data may clearly indicate that a situation is deteriorating and that a certain activity is contributing to the emerging pressure, without it being possible to demonstrate that a significant adverse effect has already existed for three years.

We therefore believe that the **Regulation should allow preventive action** where objective and verifiable evidence demonstrates a significant contribution to the emergence or aggravation of housing stress, or a sufficiently clear risk of such an effect.

Third, regarding **Article 10**, we fully support proportionality and the consideration of less restrictive alternatives. However, the assessment should take into account the **actual feasibility and timeframe of those alternatives**.

PUBLIC

In areas such as islands, coastal or heritage areas, increasing housing supply may be constrained by land availability, infrastructure, environmental or cultural-heritage requirements and the time needed for planning and construction. A measure which is theoretically available but cannot deliver a comparable effect within a reasonable timeframe should therefore not automatically be considered a less restrictive alternative.

Finally, regarding **Article 5**, Croatia has **significant reservations regarding measures restricting the acquisition of residential property for non-primary residence**. Given their potential impact on property rights, investment and free movement of capital, we believe their practical feasibility, administrative implications and added value require further careful examination.

PUBLIC

Ministero delle infrastrutture e dei trasporti

"AFFORDABLE HOUSING ACT"

Con la proposta di Regolamento la Commissione intende fornire una cornice normativa per disciplinare le restrizioni poste da autorità nazionali, regionali e locali ai servizi di locazione a breve termine (es. Airbnb) e all'acquisto o all'utilizzazione di terreni e immobili residenziali non destinati a residenza principale.

Per l'Italia la proposta non riguarda soltanto un'attività produttiva in senso classico. Il bene sottostante è l'abitazione, che nel nostro sistema è contemporaneamente bene patrimoniale, forma di risparmio, luogo della vita familiare e oggetto di disciplina civilistica, fiscale, urbanistico-edilizia e, solo in determinate ipotesi, turistico-ricettiva. Ricondurre l'intera questione alla sola logica delle libertà economiche del mercato interno rischia di appiattire categorie giuridiche e funzioni profondamente differenti.

Il Regolamento va ad incidere sul libero esercizio del diritto di proprietà da parte dei titolari degli immobili. Si tratta di un intervento normativo che tocca uno dei pilastri fondanti l'attuale assetto economico e sociale, nonché il rapporto stesso tra sfera privata e sfera pubblica. La casa non è un servizio qualsiasi del mercato interno. È insieme abitazione, patrimonio, risparmio, sicurezza familiare e bene costituzionalmente protetto. L'Europa può disciplinare gli effetti che determinate attività producono sul mercato interno, ma non può perdere di vista questa specificità. Una locazione breve occasionale non può essere automaticamente assimilata a un'attività ricettiva professionale, né una seconda casa a un investimento speculativo.

Sebbene il testo affermi formalmente di non creare nuovi poteri di intervento, è evidente che la costruzione di un quadro normativo europeo di legittimazione delle restrizioni produce un effetto sostanziale opposto.

Nel sistema costituzionale italiano la libertà di iniziativa economica e il diritto di proprietà, pur non essendo assoluti, conservano una particolare tutela costituzionale ai sensi degli articoli 41 e 42 della Costituzione.

PUBLIC

A tale presidio va aggiunto l'articolo 47 della Costituzione, che tutela il risparmio in tutte le sue forme e favorisce l'accesso del risparmio popolare alla proprietà dell'abitazione. Per un Paese nel quale il patrimonio immobiliare rappresenta una componente essenziale del risparmio familiare, questo riferimento rafforza il carattere non meramente economico-produttivo della questione.

Con la sentenza n. 2928/2025 il Consiglio di Stato, l'organismo al vertice della giurisdizione amministrativa italiana, ha chiarito che le limitazioni alla disponibilità e all'utilizzo degli immobili richiedano una base normativa rigorosa e proporzionata, proprio perché incidono direttamente sul diritto di proprietà e sulla libertà negoziale dei cittadini.

La proposta introduce invece il principio secondo cui il mero accertamento di una situazione di stress abitativo possa diventare il presupposto per comprimere l'utilizzazione del patrimonio immobiliare privato. Tale impostazione appare suscettibile di alterare l'equilibrio tra interesse pubblico e tutela della proprietà privata, favorendo una visione dirigistica del mercato immobiliare.

Allo stato attuale la proposta di Affordable Housing Act presenta profili di criticità sotto il profilo politico, della base giuridica, del principio di attribuzione e del principio di sussidiarietà, nonché sugli effetti economici dei cittadini.

Sebbene formalmente costruita come strumento volto ad assicurare il funzionamento del mercato interno, essa introduce in realtà un quadro normativo europeo che disciplina presupposti, criteri e modalità di intervento nel settore dell'housing, settore che appartiene primariamente alla responsabilità degli Stati membri.

La definizione centralizzata delle condizioni di "stress abitativo" e la conseguente legittimazione di misure restrittive sull'acquisizione e sull'utilizzo degli immobili rischiano di produrre una progressiva erosione delle competenze nazionali e locali, incidendo contestualmente sul diritto di proprietà e sul valore economico del patrimonio immobiliare delle famiglie europee.

Per questi motivi si ritiene opportuno richiedere dei chiarimenti alla Commissione.

1) La definizione di un quadro unico europeo che individua le condizioni alle quali le autorità competenti possono limitare l'acquisizione e l'utilizzo degli immobili non destinati ad abitazione principale ha l'effetto pratico di rendere giuridicamente più semplice e meno rischiosa l'adozione di tali misure da parte delle autorità nazionali, regionali e locali.
   Come si concilia tale impostazione con la tutela della proprietà privata, il risparmio e l'accesso alla proprietà dell'abitazione, valori tutelati dalle tradizioni costituzionali europee?

PUBLIC

2) La proposta attribuisce alle "autorità competenti", nazionali, regionali e locali, il potere di individuare zone soggette a tensioni abitative e di adottare misure restrittive. Negli ordinamenti multilivello, tipici di molti Stati membri, in cui Stato, Regioni e Comuni esercitano competenze diverse in materia di turismo, commercio, governo del territorio e urbanistica, come intende la Commissione evitare la proliferazione di discipline differenti e potenzialmente confliggenti visto che la finalità principale dell'intervento è l'armonizzazione delle norme del mercato unico?

3) La proposta riconosce che i mercati immobiliari sono per loro natura locali e che la politica abitativa, la pianificazione urbana e la regolazione dell'uso del suolo restano principalmente competenze nazionali, regionali e locali. Tuttavia, introduce una metodologia unica europea, una soglia uniforme di price-to-income ratio pari a 8 e poteri delegati alla Commissione per modificare soglie e parametri. Perché la Commissione ritiene che tale scelta sia conforme al principio di sussidiarietà? Perché ritiene che introdurre con Regolamento un unico meccanismo per tutta l'Unione sia più efficace rispetto alla previsione di principi e obiettivi generali da raggiungere con misure adatte alle peculiarità socio-economiche e dell'ordinamento degli Stati?

4) La stessa Commissione riconosce che l'insufficienza dell'offerta abitativa costituisce il fattore strutturale della crisi e che le locazioni brevi e gli altri utilizzi non primari possono al più aggravare situazioni già esistenti in alcuni mercati locali.

   Può la Commissione indicare quali evidenze scientifiche ed empiriche dimostrano che il quadro restrittivo previsto dagli articoli 5, 6 e 9 aumenterà in modo significativo e duraturo l'offerta abitativa disponibile per i residenti?
   In particolare, quali città o Paesi hanno dimostrato, con risultati robusti e verificabili, che limitazioni agli affitti brevi, alle seconde case o agli utilizzi non primari degli immobili abbiano effettivamente ridotto i prezzi delle abitazioni e aumentato l'offerta residenziale senza produrre effetti negativi sui valori immobiliari, sugli investimenti e sull'economia locale?
   E come giustifica la Commissione l'adozione di tale regolamento prima di disporre dei dati che saranno raccolti e resi disponibili dal regolamento (UE) 2024/1028 sugli affitti brevi?

5) La proposta riconosce che le restrizioni all'acquisizione e all'utilizzo degli immobili possono incidere sui valori di mercato, sulle condizioni di finanziamento e sugli investimenti.
   La Commissione ha valutato quali effetti possa produrre la designazione di una determinata area come "zona soggetta a tensioni abitative" rispetto ai territori confinanti?
   Ad esempio, se Venezia, Firenze o alcuni quartieri di Milano fossero qualificati come aree sotto stress e soggetti a restrizioni, mentre i territori limitrofi non lo fossero, non vi sarebbe il rischio di una riduzione del valore degli immobili nelle zone soggette alle misure?

PUBLIC

In un Paese come l'Italia, nel quale il patrimonio immobiliare rappresenta la principale forma di risparmio delle famiglie, come intende la Commissione evitare che il regolamento produca effetti negativi sul valore del risparmio privato, sulla concessione di credito garantito da immobili e sulla stabilità economica dei territori interessati?

6) Quali studi dimostrano che la dichiarazione di zona sotto stress abitativi non determini conseguenze negative sulla pianificazione urbanistica locale – di competenza degli Stati membri -, sui valori immobiliari, sulla liquidità del mercato, sugli investimenti di riqualificazione del patrimonio edilizio, sulla capacità ricettiva dei territori e sul possibile trasferimento della domanda abitativa verso aree limitrofe?
   Inoltre, la Commissione ha valutato chi dovrebbe farsi carico degli eventuali squilibri economici e territoriali derivanti da tali effetti, nonché del possibile aumento del contenzioso amministrativo e civile connesso all'introduzione di limitazioni che incidono sui diritti proprietari e sulle scelte urbanistiche locali? In assenza di tali evidenze, come ritiene che la proposta rispetti i principi di proporzionalità e sussidiarietà, considerata la forte dimensione territoriale e locale delle politiche abitative e urbanistiche?

PUBLIC

QUESTIONS FOR EUROPEAN COMMISSION

(1)

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a framework for measures in Member States to safeguard housing affordability and availability (Affordable Housing Act)

[Please consider the possible links between the proposal for a regulation (1) and the recommendation (3)]

SECTION A : EXPLANATORY MEMORANDUM

About Context of the Proposal:

Articles 5, 9 and 10 — While fully acknowledging the severity of the challenge regarding housing affordability, it must be stressed that insufficient housing supply, vacant or underused stock, planning and permitting constraints, public-housing shortages and weaknesses in the long-term rental market are structural drivers that should be addressed before, or at least alongside, restrictions on short-term rentals or non-primary residential use.

Articles 6, 7 and 9 — Several stakeholders reject any automatic link between short-term rentals and housing stress. They call for territorial, verifiable evidence showing a causal and significant contribution of the specific activity targeted, while distinguishing other local drivers and the difference between registration, occasional use and continuous commercial activity.

Articles 5 and 10 — A recurring concern is the protection of property rights, legitimate expectations, household savings and small-scale or occasional hosting. Contributors also ask that the source and limits of local regulatory powers remain anchored in national law and in the constitutional allocation of competences.

Articles 10 to 13 — Stakeholders request fuller consideration of tourism and wider economic effects, including accommodation capacity and prices, tourism expenditure, SMEs and ancillary services, employment, household income, property-market activity, local tax revenues and investment.

Articles 5 and 10 — Has the Commission assessed whether restrictions on short-term rentals could reduce affordable accommodation choices for families, groups and budget-conscious travellers and thereby make travel less affordable, while also discouraging private investment in housing renovation and supply?

PUBLIC

About Legal Basis, Subsidiarity And Proportionality

Article 114 TFEU; Articles 1, 2 and 5 — What current evidence of obstacles to the fundamental freedoms or appreciable distortions of competition supports the use of Article 114 TFEU, and how does the proposal genuinely contribute to removing such obstacles if it confers no new substantive powers and largely governs the conditions under which national or local restrictions may be used? How does this legal basis relate to Article 345 TFEU and the Member States' rules governing property ownership??

Article 288 TFEU; Articles 1 and 2 — Given the diversity of national and regional housing systems and the Member States' responsibilities in housing policy, why did the Commission choose a directly applicable Regulation rather than a Directive, "recommendation" as initially considered, allowing greater national adaptation, while still pursuing the internal-market objectives identified in the proposal? Why was a directly applicable Regulation chosen instead of a Directive? Can the Commission confirm that it neither reallocates national and regional competences nor confers new powers on local authorities?

Article 3(1) — Article 3(1) disapplies Directive 2006/123/EC for in-scope STR measures. Which equivalent substantive and procedural safeguards will replace the Services Directive, including notification and ex-ante oversight, and how will the Commission monitor local measures before they take effect?

Articles 4(1) and 5 — Can the Commission confirm expressly that the Regulation does not alter the internal allocation of powers within Member States and does not itself confer autonomous powers on national, regional or local authorities? How should the "competent authority" be identified where housing, tourism and planning competences are divided among different levels of government?

Articles 9 and 10; Recommendation on housing supply — How does the Commission reconcile the proportionality principle with an approach in which restrictive measures are governed by a binding Regulation while the principal measures intended to increase supply remain in a non-binding Recommendation? Would the Commission support a stronger operative link between the two instruments?

About Results Of Ex-Post Evaluations, Stakeholder Consultations And Impact Assessments

Articles 6 to 10 — The Impact Assessment received a negative Regulatory Scrutiny Board opinion and subsequently a positive opinion with reservations. What specific changes were made in response to each reservation, and will the Commission make the relevant Board opinions and the versions of the Impact Assessment submitted to the Board available to Member States?

Articles 6, 9 and 10 — How were the views of Italian respondents, STR hosts, small property owners and tourism-related SMEs reflected in the final thresholds, safeguards and proportionality requirements, particularly where consultation responses emphasised supply-side measures and questioned STR concentration as a primary indicator of housing stress?

PUBLIC

Articles 5, 9 and 10 — Will the Commission publish the quantitative modelling and comparative cost-effectiveness analysis underlying the expected housing benefits of the preferred option, disaggregated where possible by Member State and compared with the costs of restrictions and with the potential effects of supply-side measures?

Article 9 — Does the Commission intend to establish common evidentiary standards and methodologies capable of distinguishing causation from correlation and separating the effect of STR activity from other drivers of housing stress?

About Budgetary Implications

Articles 6 and 13 — The proposal relies on Commission data, including Mapadomo. How current and granular are the underlying data for each Member State, and will national official sources be integrated and validated with national statistical institutes? What update frequency and public access will be guaranteed? The Impact Assessment reports updated Mapadomo information for 15 Member States, while data for eight others go only up to 2020. Will the Commission publish the methodology, cross-check Italian data with ISTAT and the Revenue Agency's Real Estate Market Observatory, and allow affected parties to contest material errors?

Articles 6 to 10 — What technical and financial support will be available to smaller municipalities and other competent authorities required to carry out the assessments under Articles 6 to 10? Will the Commission provide ready-calculated indicators and practical methodological support?

Articles 12, 13 and 16 — Will the monitoring framework track the aggregate economic costs of restrictive measures - including tourism revenue, household income, property-market activity and local tax effects - alongside the uptake and economic effects of supply-side measures under the Recommendation? Would the Commission bring the first evaluation under Article 16 forward from five years to three years after entry into force?

Articles 9 and 10; Recommendation on housing supply — Has the Commission considered whether revenues linked to tourism activity, where national law so provides, could be used to support the recovery of vacant or dilapidated public housing stock as a supply-side measure before restrictive measures are introduced?

About Other Elements

Articles 12, 13 and 16 — Why does the proposed monitoring framework focus mainly on procedures and litigation rather than on actual outcomes for housing affordability and availability, tourism, SMEs and household income? Would the Commission add outcome indicators so that the effectiveness of the framework can be assessed?

Articles 6, 13 and 17 — Will the data series, guidance and implementation tools required by the Regulation be fully operational on the date of application? Would the Commission support a deferred application date or a minimum transition period?

Articles 6, 9 and 10; Regulation (EU) 2024/1028 — Has the Commission assessed the cumulative compliance burden arising from the interaction between this proposal and Regulation (EU) 2024/1028, including registration, data-sharing and enforcement obligations affecting STR operators and public authorities?

PUBLIC

Articles 9 and 10 — In assessing why owners may not place dwellings on the long-term rental market, has the Commission considered national structural barriers such as eviction delays, rent arrears, taxation of uncollected rent and legal uncertainty in recovering possession? How should such factors be taken into account before attributing housing pressure to STR activity?

Articles 5, 9 and 10 — Has the Commission assessed whether restrictions on short-term rentals may distort competition between different accommodation models, including by shifting demand toward larger hotel operators or chains, and how should such competitive effects be reflected in the proportionality assessment?

Articles 5 and 10; consistency with Union renovation and energy policies — Has the Commission assessed whether restrictions that reduce the expected yield or permitted economic use of residential property could discourage renovation and energy-efficiency investment, particularly in historic or high-maintenance building stock?

PUBLIC

SECTION B : TEXT OF PROPOSAL

B.1 WHEREAS [by sequential number]

Recital 3 — Recital 3 recognises that non-primary uses can generate economic and social benefits. How should authorities weigh supplementary household income, tourism expenditure and related local economic benefits in the proportionality assessment?

Recitals 15 and 27; Article 5(2) — Can the Commission confirm that the primary-residence safeguard applies whenever a measure falls within the Regulation, even if housing affordability is combined with another objective? Would it support removing "solely" and extending lighter safeguards to occasional, non-professional hosts and natural persons letting only one or a limited number of properties?

Recital 20; Article 6 and Annex — What evidence supports the use of the price-to-income ratio as a proxy for rent-to-income in tourist areas where purchase prices may reflect second-home and external demand, and where household structure and income measurement may differ materially from national averages?

Recital 22; Article 7; Annex — How can an authority designate an area smaller than the territorial unit for which reliable price and income data exist? Would the Commission support a rule requiring the smallest territorially coherent area for which all criteria can be demonstrated with granular, verifiable data?

Recital 26; Articles 5 and 10 — How should authorities distinguish occasional or family hosting from activity carried out on a commercial or professional scale? Would the Commission support an objective threshold or other safeguards ensuring that small-scale providers are not treated in the same way as professional operators?

Recital 29; Article 9 — How should "significant adverse effect" be demonstrated? Would the Commission clarify that a mere statistical correlation is insufficient and that authorities must identify a territorially relevant causal contribution while isolating other structural drivers?

Recital 30; Article 10 — Why are supply-side measures described only as measures that authorities "should" complement restrictions with? Would the Commission consider making the assessment and implementation of appropriate supply-side measures an operative condition or explicit proportionality factor?

Recital 36; Article 10(2) — Why is protection of legitimate expectations not extended clearly to hosts and businesses already operating lawfully, including registered operators that have incurred mortgages, renovation costs or other investments? Would the Commission support a minimum transitional period?

Recital 38; Article 6(5) — Does the Commission consider the price-to-income thresholds and calculation methodology to be essential elements of the legislative framework? What is meant by "objective developments, demonstrated by relevant statistical or other reliable evidence", what evidence would be sufficient in practice, and what criteria would determine when an amendment by delegated act is "necessary"? Would the Commission publish predefined parameters and carry out a dedicated impact assessment before changing the thresholds, data, indicators or methodology?

PUBLIC

Recitals on tourism and local development; Articles 9 and 10 — Would the Commission consider recognising the contribution of regulated professional accommodation, including hotels, to stable employment, local supply chains, building maintenance and urban quality, while ensuring that housing and tourism policies remain coordinated?

B.2 ARTICLES [by sequential number]

Articles 1, 2(1)(b) and 5(1)(b) — Would the Commission consider narrowing the Regulation so that it governs the procedural framework for STR-related measures without creating a general framework for restrictions on the acquisition or use of non-primary property? Can it also clarify that non-residential land and premises are outside the intended scope?

Article 3(1) — How will the disapplication of the Services Directive operate for measures pursuing both housing and other objectives, and what equivalent safeguards will apply? For measures outside the new framework or adopted before its entry into force, will the Treaty and the Services Directive, including notification requirements, continue to apply?

Article 3(1); Article 10 — Where quantitative caps or licence limits are introduced, which safeguards equivalent to Article 12 of the Services Directive will ensure limited duration, impartial and transparent allocation procedures and independent scrutiny before the measure takes effect?

Article 4(1) — Can the text make explicit that the "competent authority" is an authority identified by national law and exercising only powers conferred by that law? How should the framework avoid excessive or unpredictable local discretion while respecting national constitutional arrangements? In Italy, national rules on short-term leases coexist with regional rules on tourist accommodation: how will the "competent authority" be identified for each activity?

Article 4(4) and Article 5(2) — Could a narrow national or local definition of "primary residence" reduce the safeguard intended by the Regulation? Would the Commission support a minimum EU-level floor for that concept?

Article 5(1) and (2) — Would the Commission consider additional safeguards for natural persons who let their primary residence occasionally or own only one or a limited number of properties used for STR, and expressly exclude generalised restrictions on a single second home or on small non-business owners?

Article 5; Article 17 of the Charter — If a measure substantially restricts an owner's ability to use and enjoy a property, under what circumstances could a right to compensation arise, who would bear that cost, and has the Commission assessed any related budgetary implications?

Article 6(1)(a) and 6(2) — How were the thresholds of 8 and 10 derived, and how is a threshold that may capture a very large share of EU regions or population consistent with the concept of acute housing pressure? Will the Commission publish the areas that would qualify under each threshold? The Impact Assessment estimates that the threshold of eight, together with a rising ratio, would flag 42% of NUTS 3 regions and 46.8% of the EU population. Would the Commission remove Article 6(2), which dispenses with the ten-year increase test when the ratio reaches ten?

PUBLIC

Article 6 and the Annex — Would the Commission consider supplementing the price-to-income ratio with indicators more directly linked to local housing conditions, such as vacancy, long-term rents, social-housing availability, new supply and the actual share and intensity of STR activity? How will income measures be adjusted where taxable income does not reflect disposable household resources? Would the Commission permit Member States to set thresholds calibrated to their territorial circumstances, subject to transparent and verifiable criteria?

Article 6 and Annex — How does the methodology ensure territorial reliability where transaction-price data are available at NUTS 3 level but disposable-income data are available at NUTS 2 level? Would the Commission require a representativeness test, published methodology, error margin and sensitivity analysis before such data are applied to a smaller local area?

Article 6 and Annex — Would the Commission consider using median transaction prices and equivalised household disposable income, and require validation of the income denominator where official statistics show material territorial differences between observed income and aggregate economic capacity?

Article 6(1)(c) and 6(4) — What methodology and standard of evidence apply to the three-year forward-looking test, and what does it mean for more granular alternative data to be "consistent with the thresholds"? Will the Commission publish a verification methodology?

Article 6(5) — Please clarify the scope of the delegated power to amend the thresholds in Article 6(1)(a) and Article 6(2), as well as the data, indicators and methodology in the Annex. In particular, what "objective developments" and what statistical or other reliable evidence would be sufficient; how will the Commission determine when an amendment is "necessary"; and will specific, predefined criteria be established to ensure transparency and predictability?

Article 6(5) - Why should the Commission be able to alter by delegated act the price-to-income thresholds and calculation method that determine the potential reach of restrictions across all Member States? Are these not essential policy choices requiring the ordinary legislative procedure, particularly given the diversity of local housing markets?

Article 7 — How will the Commission ensure that territorial boundaries are objectively justified, data-supported and no wider than necessary? Would it support nationally defined or independently validated criteria to reduce the risk of arbitrary micro-zoning or overbroad designations?

Article 8 — How will the Regulation ensure that distinctions between individual owners, small-scale landlords, direct operators and professional or corporate operators are based on objective and verifiable differences in the actual impact of their activity, rather than on arbitrary status-based distinctions?

Article 9 — Can the Commission clarify that the authority must demonstrate a direct, significant and documented causal contribution of the specific STR or non-primary use targeted, rather than mere correlation, and distinguish that contribution from other structural drivers? How should the three-year evidence requirement operate until Regulation (EU) 2024/1028 provides a sufficiently long official time series? Can the Commission confirm that the competent authority bears the burden of proving compliance with Articles 6 to 10 when its assessment is challenged under Article 11?

PUBLIC

Article 10(1)(e) — Would the Commission make explicit that registration, data-sharing and enforcement mechanisms under Regulation (EU) 2024/1028 should be effectively implemented before restrictions affecting STR activity are introduced?

Article 10 — Would the Commission strengthen the requirement to assess less restrictive alternatives and clarify that outright bans should be exceptional or excluded unless strictly justified? Should the authority also demonstrate why vacancy mobilisation and other supply-side measures are insufficient in the specific area?

Article 10(1) — Would the Commission require an explicit cost-benefit assessment before a restriction is adopted, so that expected housing benefits are weighed against effects on household income, local businesses, investment, tourism accommodation capacity and travel affordability?

Article 10 — How should the "representative dwelling" and the proportionality assessment reflect local household size, number of rooms, floor area and the type of housing actually demanded, so that a standard dwelling assumption does not distort the assessment in atypical local markets?

Articles 9 and 10 — Where several measures affect the same property or activity, must the authority assess their cumulative economic and legal effect before adoption, extension or renewal?

Article 10(2) — Would the Commission support clearer grandfathering and transitional safeguards for lawfully existing activities and investments, including mortgages, renovations, registrations and contracts, while allowing proportionate future regulation?

Article 11 — Would the Commission support mandatory prior public consultation on draft restrictive measures, with publication of the evidence and assessments and structured participation of residents, owners, businesses and workers? Would it expressly require consultation with representative trade associations and clarify its relationship with publication under Article 13?

Article 11 — How will the Regulation ensure effective and timely judicial review, including access to interim protection where appropriate, for owners and businesses affected by restrictive measures based on disputed evidence or methodology?

Article 11 — Would the Commission support a simpler administrative procedure allowing interested parties to challenge the evidentiary basis, methodology or territorial assessment of a proposed measure before having to initiate judicial proceedings?

Article 12 — Should renewal of a restrictive measure require a fresh assessment and verifiable evidence that the measure has actually improved housing availability or affordability? Should an earlier review be triggered when the underlying conditions materially change? Before adoption and at each review, should the competent authority also estimate how many dwellings are reasonably expected to return to the long-term residential market as a direct result of the measure, and verify whether that result is actually achieved through public KPIs?

PUBLIC

Article 13 — Would the Commission require publication not only of the legal measure but also of the data sources, methodology, observation period, economic and social impact assessment, error margins where relevant, and any associated housing-supply plan?

Articles 12 and 13 — Would the Commission support a shorter and more regular review cycle and require publication of every review outcome, including renewal, amendment or withdrawal, in a publicly accessible EU-wide register of restrictive measures? Would it consider limiting the duration and first review to three years, with a finite number of renewals supported by a reasoned reassessment?

Article 14 — Why are pre-existing measures excluded from the common framework? Would the Commission support a mandatory, time-bound review of existing measures against the same necessity, proportionality, territorial-targeting and review criteria applicable to new measures?

Article 15 — Can the Commission confirm that the references to the delegated power in Article 6(3) are clerical errors if the empowerment is actually in Article 6(5), and that delegated acts will not be used to modify essential elements of the Regulation? Why is the delegation in Article 6(5) conferred for an indeterminate period, even though it permits EU-wide changes to the core empirical criterion? How are its breadth and duration compatible with the principles of conferral, subsidiarity and proportionality? Would a time-limited, narrowly circumscribed delegation be more appropriate, and will the erroneous references to Article 6(3) be corrected?

PUBLIC

COMMISSION STAFF WORKING DOCUMENT IMPACT ASSESSMENT REPORT Affordable Housing Act Accompanying the document Proposal for a Regulation establishing a framework for measures in Member States to safeguard housing affordability and availability

By sequential paragraph or page

Impact Assessment - data and evidence base; Articles 6 and 9 — Much of the STR evidence relies on scraped, platform-specific or availability data. Will the Commission systematically validate such evidence against official data under Regulation (EU) 2024/1028, national statistics and administrative registers, and distinguish listing availability from actual occupancy or bookings?

Impact Assessment - effects of restrictions; Articles 9 and 10 — The Impact Assessment acknowledges that empirical effects of STR restrictions on prices and rents are mixed and context-specific. On what basis does the Commission expect restrictions to improve affordability across heterogeneous tourist destinations, and how will it prevent evidence from individual cities from being generalised beyond comparable contexts? The Impact Assessment also reports that listings on the four main platforms represent about 1.2% of the EU dwelling stock on average, with higher concentrations in particular tourist locations; how is this territorial variation reflected in the assessment?

Impact Assessment - economic and tourism impacts; Articles 10 to 13 — Will the Commission provide a quantified cost-benefit assessment of the preferred option, including tourism capacity and prices, GDP and visitor spending, employment, household income from hosting, property-market activity, SMEs and ancillary services, tourist taxes, VAT and local public finances?

Impact Assessment - property values, investment and credit; Articles 5 and 10 — Has the Commission quantified the potential effect of restrictions on property values, expected returns, mortgage collateral and access to credit, and how were these effects weighed in the proportionality and competitiveness assessment?

Impact Assessment - substitution of tourist demand; Articles 9 and 10 — What evidence supports the assumption that demand displaced from short-term rentals will be absorbed by hotels or other accommodation rather than moving to other destinations, particularly for families, groups and temporary workers who specifically require apartment-type accommodation?

Impact Assessment - SME check; Articles 10 to 13 — Given the potentially large number of tourism SMEs and workers exposed to local measures, what mitigation measures are foreseen for micro-enterprises and related services such as property management, cleaning, maintenance, reception, retail, catering and local tourism services?

PUBLIC

Impact Assessment - analytical methodology; Article 6 and Annex — Could the Commission publish the underlying datasets, code and sensitivity analyses used to derive the housing-stress thresholds, so that national statistical institutes and stakeholders can replicate the calculations and test them against national conditions?

Impact Assessment - methodological sequence; Articles 6, 9 and 10 — Can the Commission clarify the distinction between a pre-screening affordability indicator, the designation of housing stress, proof of a significant adverse effect, demonstration of causality, necessity and proportionality, and confirm that the price-to-income ratio cannot by itself satisfy those successive tests?

Impact Assessment - behavioural responses; Articles 9 and 10 — Has the Commission assessed outcomes other than conversion to long-term residential rental when STR use is restricted, including personal or family use, sale, continued vacancy, discontinuation of investment, or transfer of tourism activity to another destination?

Impact Assessment - professional activity; Article 10(1)(d) — The Impact Assessment notes the lack of evidence for defining professional activity by a fixed number of nights, while Article 10(1)(d) refers to the frequency of activity. How should competent authorities operationalise “frequency” without creating inconsistent or arbitrary thresholds?

Impact Assessment - local ex-ante assessment; Articles 10, 11 and 13 — Would the Commission support a mandatory local ex-ante economic and social impact assessment before severe restrictions or bans are adopted, covering the real-estate market, investment, tourism capacity, employment, SMEs, local related industries and tax revenues?

PUBLIC

(**3)**

COMMISSION RECOMMENDATION of 9.9.2026 on housing affordability and supply in areas under housing stress

[Please consider the possible links between the recommendation (3) and the proposal for a regulation (1)]

WHEREAS [by sequential number]

Recitals 11 and 12 — What evidence supports the statement that restrictions on non-primary uses may provide short-term relief, given the mixed and context-specific evidence on their effects?

Recital 13 — Why are housing acceleration plans not an explicit condition of, or at least a mandatory factor in, the proportionality assessment of restrictions under the Regulation? Would the Commission support a formal operational link between the Recommendation and the Regulation?

Recital 15 — Will the same official STR and secondary-home data be used consistently for housing acceleration plans under the Recommendation and for assessments under the Regulation?

Relevant recitals on housing demand and use — Would the Commission clarify that housing policy should distinguish between primary-residence demand, study and work demand, temporary tourist demand and personal or family use of property, rather than treating all non-primary uses as economically equivalent?

Recital 22 of the Recommendation; Articles 6, 9 and 10 of the Regulation — Would the Commission clarify that vacant dwellings, second homes, underused properties and short-term rentals are not interchangeable categories and that only stock demonstrably suitable and realistically available for permanent housing should be treated as mobilisable supply?

ARTICLES [by sequential number]

Point 1; Article 6 of the Regulation — Is the Article 6 test in the Regulation intended to define areas "under housing stress" for the purposes of the Recommendation, and what criteria define an area "at risk of experiencing housing stress"?

Points 2 and 3(c); Article 7 of the Regulation — How should the broader territorial approach of housing acceleration plans "in and around" stressed areas be reconciled with the requirement that restrictive measures be territorially limited to what is necessary?

PUBLIC

Point 3(d); Articles 9 and 10 of the Regulation — Will the Commission provide guidance on integrating sustainable tourism, destination management, tourist-flow management and accommodation planning, so that housing restrictions do not become the principal tool for managing tourism?

Points 11(b) and 13(a); Article 5(2) of the Regulation — Does the Commission agree that home-sharing and occasional letting of rooms in a primary residence should remain outside restrictive measures, consistently with the safeguards in the Regulation?

Article 11(b) and 12(a) of the Recommendation — Would the Commission consider stable tax incentives for medium- and long-term rentals, guarantees against rent arrears and predictable procedures for recovering possession, while addressing tax distortions by improving the treatment of renting?

Article 14(a)(4) of the Recommendation — Would the Commission clarify that resale restrictions and limits on capital gains should be confined to housing developed with public support, rather than applying to privately financed property?

Housing supply acceleration plans; Articles 9 and 10 of the Regulation — Would the Commission support making the adoption, financing and monitoring of an appropriate housing-supply acceleration plan - including recovery of vacant public or private stock and permitting simplification - a mandatory precondition or explicit proportionality factor before severe STR restrictions are imposed?

Articles 9 and 10 of the Regulation; Recommendation on housing supply — When assessing necessity and proportionality, what weight should be given to structural housing-supply measures already adopted by a Member State, such as funded national housing plans, and can such measures limit or exclude recourse to additional demand-side restrictions?

Point 16; Articles 9 and 10 of the Regulation — Will areas under housing stress receive priority or targeted access to Union funding for supply-side measures, including renovation and recovery of vacant public housing, and how will such funding interact with the justification of restrictive measures?

Articles 11 and 12 of the Recommendation — Will financial instruments for renovation, conversion, energy efficiency and long-term residential use be accessible also to individual property owners, condominium associations, cooperatives and SMEs, rather than only to public or large professional operators?

Monitoring of the Recommendation; Articles 12 and 16 of the Regulation — How will the Commission monitor whether supply-side measures under the Recommendation are actually adopted and implemented, and will those results feed into the evaluation of the Regulation and the review of local restrictions?

PUBLIC

Recommendation - support for professional accommodation businesses — Would the Commission consider accompanying housing measures with targeted support for investment, renovation, energy efficiency, digitalisation and innovation in professional hotel and non-hotel accommodation, particularly for micro and small enterprises affected by changes in local accommodation markets?

Recommendation - housing for tourism workers — Would the Commission consider recognising and supporting programmes for seasonal and tourism-worker housing, including the recovery of buildings for temporary staff accommodation and partnerships between local authorities and tourism businesses, as part of the housing-supply response in tourist destinations?

PUBLIC

Comments from the Latvian delegation on the proposal for a Regulation establishing a framework for measures in Member States to safeguard housing affordability and availability - Affordable Housing Act (doc. 12967/26 and ADD 1-5).

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Latvia welcomes the European Commission's initiatives to address housing affordability across the EU. Given that the Short-Term Rental (STR) Regulation was previously examined in the Working Party on Tourism, we invite the Commission to present this proposal there as well to ensure cross-sectoral alignment.

Latvia considers it important to further clarify the link between Article 10(1)(e) of the proposed Regulation and STR registration framework established by that Regulation. Not all Member States have decided to make use of this framework, and Latvia currently does not envisage introducing the STR registration procedure provided for under Regulation (EU) 2024/1028, either at national or regional level.

Against this background, it would be useful to clarify how the requirements under Article 10(1)(e) are intended to apply in Member States or regions where the STR registration framework under Regulation (EU) 2024/1028 has not been activated. In particular, the application of measures concerning housing stress areas should not de facto make the activation of the voluntary STR framework a mandatory precondition for Member States.

Latvia also considers that the decision to activate the instruments provided for under Regulation (EU) 2024/1028 should remain a matter for each Member State, taking into account its specific circumstances and the proportionality of the administrative and financial burden involved. The establishment of a registration framework should therefore not be required where the expected benefits do not justify the costs of introducing and operating such a system.

Latvia would welcome further clarification as to whether the proposed methodology for identifying housing stress sufficiently reflects the different housing market situations across Member States. In Latvia's case, a comparatively lower dwelling price does not necessarily indicate good housing affordability, as it may also reflect an ageing and lower-quality housing stock and the need for substantial additional investment.

PUBLIC

Against this background, Latvia welcomes the possibility provided for in the proposal to use more granular alternative data in the assessment of housing stress. Given that, under the Commission's baseline methodology, housing price data are used at NUTS 3 level, while income data are used at NUTS 2 level, Latvia considers it important to retain sufficient flexibility to take account of national and local circumstances and to use more granular, territorially appropriate data where these better reflect the actual conditions of the local housing market and the housing affordability situation.

The proposed framework should better reflect the situation of persons and households experiencing housing vulnerability.

While we support the objective of establishing an objective and proportionate framework for identifying areas under housing stress, the assessment of housing stress should, where relevant and where reliable data are available, allow competent authorities to take into account social indicators complementing the price-to-income ratio and general housing supply and demand indicators.

Such indicators could include housing exclusion and homelessness, demand for social and affordable housing, housing cost overburden and overcrowding, as well as the housing situation of groups facing increased barriers in accessing or retaining adequate housing, including young adults, families with children, older persons and persons experiencing homelessness or housing exclusion.

We suggest clarifying, preferably in the recitals, that measures to increase the supply of affordable and social housing may, where appropriate and in accordance with national competences and practices, be coordinated with relevant social services and support measures. This could be particularly relevant where access to housing alone is insufficient to ensure sustainable housing outcomes for persons in vulnerable situations.

At the same time, such considerations should not create additional mandatory data-collection, reporting or service-provision obligations for Member States or competent authorities, nor affect Member States' competence for the organization and provision of social services.

PUBLIC

Written comments/questions NL Affordable Housing Act 29.09.2026

Scope

- *On Article 2(2):* If a municipality justifies a measure on multiple grounds (safeguarding housing affordability and availability, plus livability, for instance), does the Affordable Housing Act (AHA) apply?
- *On Article 2(1)(b):*
    - If we strictly follow the definition of 'primary residence', the second type of measures does not concern measures aimed at restricting the acquisition of residential property in order to subsequently let it.
    - However, the explanatory memorandum states that requirements reserving affordable residential property for owner-occupation or for specified categories of households fall within the scope of the Regulation.
    - What, then, is the precise scope of measures restricting acquisition under the Regulation?
    - Background: in the Netherlands, we have an acquisition protection scheme ("opkoopbescherming") under which municipalities designate streets or areas in which dwellings purchased may not be let — i.e. use is restricted to owner-occupation. Does such a measure fall within Article 2(1)(b)?

Assessment of housing stress

- *On Article 6(1)(a):* Could the Commission clarify in writing how the first indicator — the price-to-income ratio is to be calculated exactly? What flexibility is there for competent authorities?

Existing measures

- *On Article 14:*
    - Does this provision apply only to changes at the national level, or also to changes at the level of the competent authority (e.g. a municipal housing ordinance)?
    - In the Netherlands, municipalities can choose to regulate short-term accommodation rental services in their housing ordinance. If they do so, does that measure immediately fall within the scope of the AHA (where it is adopted for the purpose of safeguarding housing affordability and availability)?

PUBLIC

Impact assessment

- Could the Commission substantiate why this proposal will lead to reduced administrative burden for competent authorities? In the Netherlands, we expect that it will in fact increase the evidentiary burden on municipalities when adopting measures. They will need to maintain two separate regimes to justify the regulation of short-term accommodation rental services: one on livability (under the Services Directive) and one on housing stress (under the AHA). Did the Commission take this into account in its impact assessment, along with the potential consequences for regulatory burden?

PUBLIC

PL written first comments 29.09.2026

Regulation of the European Parliament and of the Council establishing a framework for measures in Member States to safeguard housing affordability and availability (Affordable Housing Act)

The Polish Government notes with interest the draft Regulation of the European Parliament and of the Council. This is a landmark legislative proposal, given that the housing sector has traditionally fallen within the **exclusive competence** of the Member States, rather than the EU. Therefore, a legal act directly **encroaching upon** these competences represents a significant shift in the EU's approach to housing matters.

We support the objectives pursued by the draft Regulation. Nevertheless, following an initial assessment, the proposed provisions **raise concerns** that require clarification, further legislative work, and fine-tuning to ensure their full **operational viability** and effectiveness within national legal and economic realities.

We remain open to developing a common EU-wide framework in the areas covered by the draft Regulation, namely short-term rentals and vacant properties. However, we stress that the final text must **fully respect the principle of subsidiarity** and take into account the specificities of the real estate markets in individual Member States.

The issues raising the greatest concern and requiring **clarification from the European Commission** are as follows:

1. **The interplay between the Regulation and the possibility of introducing restrictions** in the same market segment under separate national legislation. Clarification is needed on whether the Regulation will deprive national and local authorities of flexibility when applying other legal solutions in this field. We share the view that it is advisable to **consult the Committee of the Regions** to clarify these implications for subnational authorities.
2. **Ensuring the achievement of the Regulation's objectives**, such as legal certainty, transparency, and **uniform application** within the context of the domestic administrative division. In the case of Poland, local authorities empowered to introduce restrictions span across **2,479 municipalities (*gminas*)**. Consequently, the coexistence of such a large number of varying restrictions could lead to **legal fragmentation**. In this regard, it is essential for the Commission to provide legal and organizational support (detailed guidelines, templates for decisions/resolutions, and direct channels of communication) for local authorities.

PUBLIC

3. **Adequate safeguarding of domestic Small and Medium-Sized Enterprises (SMEs)** that will be directly impacted by the introduced restrictions. Local companies must not be forced to alter their business profile or model overnight, as their financial and operational capacities differ from those of large enterprises. In this sense, although the legal framework **is addressed to Member States' competent authorities**, the impact on the SME sector will become entirely direct once the envisioned measures are deployed, immediately affecting these companies' capacity to continue their economic activities. Therefore, any action in an area that may **restrict the freedom of establishment or the freedom to provide services** for domestic entities must be taken with due regard to the impact on SMEs and subject to **appropriate transitional periods**.
4. **The availability of data for establishing the indicators** that trigger the designation of areas subject to short-term rental restrictions. The proposal utilizes the **price-to-income ratio**, where prices refer to average real estate prices and income is defined as annual disposable income. While the annex to the Regulation provides further methodological clarifications, it indicates that prices will be determined and published by Eurostat at **NUTS 3 level (sub-regions)**, whereas income data will be at **NUTS 2 level (regions)**. It would be more sustainable to determine these indicators at the most granular, local level possible, as housing affordability issues are inherently local in nature.

PUBLIC

Questions to the Commission from Portugal

Note: Portugal maintains a general scrutiny reservation on the proposal.

Policy objective and legal basis

General comment: we would appreciate further clarification on the concrete problem that the proposal seeks to address and on the added value of a binding EU instrument compared with the legal and regulatory framework currently in place. We also question the added value vis-à-vis a stronger enforcement of the Services Directive, the administrative and financial costs for smaller municipalities and their capacity to effectively restrict excessive short-term rentals.

1. In particular, what evidence does the Commission have that the existing framework does not provide competent authorities with sufficient legal certainty to adopt proportionate measures addressing housing pressures?

2. The Commission observes that the lack of housing affordability hampers competitiveness, but at the same time concludes that the proposal is expected to have no impacts on competitiveness. Could you please clarify?

3. Where can we find in the Impact Assessment proof that the Commission analysed existing national/regional/local systems? **We have a legal framework which has worked and is much less burdensome**, has the Commission assessed the need and the costs associated with foregoing systems such as ours?

4. In this context, could the Commission also clarify when an amendment, renewal or adjustment of an existing measure adopted before the entry into force of the Regulation would be considered a new measure for the purposes of Article 14?
5. We understand why Article 114 TFEU could be the basis for addressing issues concerning the internal market for services, but **how can Article 114 TFEU be the legal basis for addressing affordable housing issues**? **We fear there might be a mismatch between policy objective and policy tools.**

6. We fail to see in the Impact Assessment a sufficiently clear **causal link between the identified housing affordability challenges and the obstacles to the functioning of the internal market** that the proposal seeks to address. Could the Commission please clarify this link?

PUBLIC

7. Which specific divergences between national, regional and local regulatory frameworks does the Commission consider to currently create, or be likely to create, obstacles to the functioning of the internal market?

8. How does the degree of approximation proposed, including the common methodology and procedural requirements, respond to those specific obstacles?

9. How should the AHA and the **Services Directive** interact where a measure pursues housing affordability and availability together with other overriding reasons relating to the public interest? This may be particularly relevant where housing measures also pursue objectives related, for example, to energy efficiency, energy poverty or vulnerability, climate adaptation or the urban environment. In such cases, would different aspects of the same measure be assessed under different legal frameworks, and how does the Commission envisage avoiding new legal uncertainty in determining which framework applies?

10. Why hasn't the Commission chosen to propose a better enforcement of the Services Directive (e.g., by ensuring that national regimes are notified?). **We again note that our national system has been praised by authorities and operators alike.**

11. The proposal has been presented as a *lex specialis* to the Services Directive. We find no clearcut references to this status in the articles, unlike other pieces of legislation we are aware of. Why is this?

12. Could the Commission clarify how the requirements under Articles 6, 9 and 10 are intended to operate across very different national and local housing markets? Does the Commission show how the requirement to demonstrate a "significant adverse effect" over at least 3 years, and the assessment of less restrictive alternatives **allow sufficient flexibility to reflect specific local circumstances**? **Where can we find in the Impact Assessment evidence that the Commission has looked into these very different housing markets across the EU?**

13. More generally, could the Commission explain how these differences have been duly taken into account in the proposal and how it ensures that harmonising the conditions and procedures under which competent authorities may act does not, in practice, constrain their discretion as to what measures are appropriate in their specific local circumstances?

14. How does the Commission envisage the interaction between this Regulation and measures adopted pursuant to Directive (EU) 2024/1275 (EPBD – Energy Performance and Buildings Directive)? In particular, can the Commission clarify whether measures whose primary objective is energy efficiency, building renovation or decarbonisation fall outside the scope of this Regulation?

PUBLIC

15. **The entirety of the burden of the application of this Regulation seems to be laid on municipalities.** Has the Commission presented estimates of the costs, for local authorities of different sizes, of applying the proposed methodology and thresholds, the requirement to demonstrate a "significant adverse effect" over at least 3 years, and the assessment of less restrictive alternatives? How does the Commission envisage these requirements being applied in practice by competent authorities with very different levels of administrative, technical and financial capacity, particularly smaller municipalities? **We estimate that applying the methodology might be extremely burdensome for smaller municipalities, to the point that they might have to hire external service providers to perform it. At the limit, smaller municipalities who cannot face such financial and administrative burden would end up not applying the methodology, and therefore would be unable to restrict short-term rentals (as a means to address housing affordability).** Would the Commission have evidence otherwise?

16. We are unaware of any financial commitments at EU level to support smaller municipalities in applying the Regulation. Where can we find such commitments?

17. Could the Commission clarify whether competent authorities may rely on existing national administrative sources, such as land and property registers, cadastral data, census data or building registers, when carrying out the assessments required under the Regulation? If so, where is this reflected in the proposal? And how can authorities be sure that using these sources will not be disputed?

18. Finally, one of the stated objectives of the proposal is to increase legal certainty and reduce litigation. However, the framework introduces an array of detailed assessments that competent authorities would have to demonstrate and that may subsequently be subject to judicial review, including the assessment of housing stress, significant adverse effect, necessity and less restrictive alternatives. Could the Commission elaborate on how it has assessed the risk that these additional requirements could themselves **create new grounds for legal challenge** and increase the litigation exposure of competent authorities, rather than reducing it? **How could smaller municipalities be sure that their application of the methodology is not prone to be contested, especially in the case where they choose using alternative data?**

PUBLIC

SE comments

Recital/Article	Proposal	Drafting suggestions	Comments
Article 1	This Regulation establishes a common framework for measures taken by competent authorities to safeguard housing affordability and availability with a view to improving the conditions for the establishment and functioning of the internal market. It lays down common rules to ensure that measures taken pursuant to this Regulation are justified, transparent, proportionate and subject to review.	This Regulation establishes a common framework for measures taken by competent authorities **pursuant to this Regulation** to safeguard housing affordability and availability**, affecting the internal market,** with a view to improving the conditions for the establishment and functioning of the internal market. It lays down common rules to ensure that measures taken pursuant to this Regulation are justified, transparent, proportionate and subject to review.	SE proposes clarifying that the Regulation concerns housing-related measures affecting the internal market. Whether a measure falls within the scope of the Regulation depends on several different conditions being met and must therefore be assessed considering the circumstances of each case. The reference to *improving the conditions for the establishment and functioning of the internal market* does not fully reflect the potential effects of the proposed Regulation. The exemptions from the framework of Directive 2006/123/EC could increase regulatory fragmentation and create additional barriers to cross-border service provision rather than improving the functioning of the internal market. This sentence should be removed or adjusted accordingly.
Article 2 (1) (a)	measures restricting access to, or the provision of, short-term accommodation rental services in residential property		The wording of this article differs from that of Article 5(1) (a), as the phrase “other than the host’s primary residence” is not included.
Article 2 (1) (b)	measures restricting the acquisition or use of land and residential property that is not acquired or used for the purpose of a primary residence, whether occupied by the owner or by another person.		SE considers it important that the legal basis and the division of competences within the Union are respected, not least as regards the parts concerning acquisition and use of land and residential property. SE is particularly analysing these aspects and considers that they should be further discussed.
Article 2 (2)	This Regulation does not apply to measures taken solely for overriding reasons relating to the public interest other than the need to safeguard housing affordability and availability.	This Regulation **neither** appl**ies** to **measures of general application nor to** measures taken solely for overriding reasons relating to the public interest other than the need to safeguard housing affordability and availability.	SE considers that it should be clarified, as stated in recital (33), that the Regulation does not cover certain measures of general application and therefore proposes minor adjustments. In general, SE considers that it should also be further clarified how the assessment should be conducted when there are several reasons relating to public interest motivating the measures. See further comment on article 3.
Article 3 (1)	The measures referred to in Article 2(1), point (a) shall not be subject to Directive 2006/123/EC, including the notification		SE emphasises the importance of a well-functioning services internal market and that any exceptions from the Services Directive are limited to what is strictly necessary.

PUBLIC

	obligation laid down in Article 15(7) of that Directive.		In this regard, the proposed full exclusion of Directive 2006/123/EC goes beyond what is necessary to establish a specific framework for housing-related measures. The Regulation should operate as a lex specialis only with regard to the specific aspects it expressly regulates, while the horizontal safeguards and transparency mechanisms of the Services Directive should remain applicable. This would ensure consistency with the internal market acquis and avoid unnecessary fragmentation of the legal framework applicable to services. In any case, the proposal should provide a clear allocation between the Regulation and the Services Directive where a measure pursues several public-interest objectives. Without such clarification, authorities could potentially invoke housing affordability as one of several objectives in order to bring a measure outside the scope of the Services Directive and its transparency requirements.
Article 4 (4)	'primary residence' means the residential property in which a natural person continues habitually to reside, and where the habitual centre of their interest is also situated, as further defined under national law;		SE wonders whether MS would be required to define 'primary residence' under national law, in the absence of such a definition.
Article 5 (1)	A competent authority may take any of the following measures, to the extent they are justified by the necessity to safeguard housing affordability and availability, and provided that those measures comply with the requirements laid down in Articles 6 to 10:		SE wonders whether MS would be required to designate a competent authority.
Article 6 (1)	The competent authority shall assess whether the area in which it intends to take measures meets the following criteria for being considered an area under housing stress:		SE wonders whether the Regulation is to be understood as meaning that a Member State may not adopt housing-related measures falling within the scope of the Regulation in an area unless that area has also been identified as experiencing housing stress.
Article 6 (1) (a)	the price-to-income ratio is equal to or exceeds the threshold of eight, corresponding to eight years of disposable per-capita income to purchase a dwelling of average size in the residential building stock of the area concerned;		According to SE's preliminary assessment and calculations, housing stress could only be demonstrated in a few areas in SE based on the threshold of eight. SE would therefore like further clarification as to why the threshold should be set specifically at eight.

PUBLIC

Article 6 (1) (b)	the price-to-income ratio has increased over the period covering the most recent 10 years of available data;		SE wonders why the time period has been set specifically at 10 years.
Article 6 (2)	Where the price-to-income ratio is equal to or exceeds the threshold of 10, paragraph 1, point (b), shall not apply.		SE wonders why the threshold in this respect should be set specifically at 10.
Article 6 (5)	The Commission is empowered to adopt delegated acts in accordance with Article 15 to amend paragraph 1, point (a), and paragraph 2 of this Article, as regards the thresholds, and the Annex, as regards the data, thresholds, indicators and methodology used for calculation, where objective developments, demonstrated by relevant statistical or other reliable evidence, make such amendments necessary to ensure an accurate measurement of housing affordability pressures.		SE does not find delegated acts a suitable way to tackle necessary amendments, rather we want the competent authorities to have a greater margin of appreciation – in line with the principle of subsidiarity. SE therefore considers that this question should be further discussed.
Article 10	The measures shall be suitable for attaining the objective pursued, shall not go beyond what is necessary to attain that objective and shall meet the following requirements: they are territorially limited to the area under housing stress and, where appropriate, calibrated to different levels of housing stress within the area; they are based on an assessment that no other less restrictive measure would be sufficient to improve housing affordability and availability in an equally effective manner within a reasonable period; they comply with the principles of legal certainty and the protection of legitimate expectations; for measures referred to in Article 5(1), point (a), they are calibrated to forms of short-term		SE emphasises the importance of competent authorities also assessing whether less restrictive measures could achieve the objective pursued, taking into account their effects on the internal market and cross-border provision of services.

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	accommodation rental activity that, by reason of their scale, frequency or commercial character, are more likely to reduce the availability of housing for long-term residential use; for measures referred to in Article 5(1), point (a), the competent authority applies and enforces Regulation (EU) 2024/1028 in the relevant geographical area, in particular its provisions on registration, including suspension and withdrawal of registration numbers, verification, datasharing and orders requiring the removal or disabling of listings without a registration number, with an invalid registration number or involving misuse of a registration number; for measures referred to in Article 5(1), point (b), insofar as they impose restrictions on the acquisition of residential property and land, they apply only to property and land acquired after the date of application of the measure; for measures referred to in Article 5(1), point (b) relating to long-term vacancy, they are calibrated, on the basis of objective criteria, to the nature and extent of long-term vacancy most likely to reduce the availability of housing for long-term residential use, taking into account in particular the number of dwellings held by the same owner in the area concerned, the duration of non-occupation or acquisition by legal persons. For the purposes of paragraph 1, where measures affect existing lawful situations, they shall include appropriate transitional arrangements.		

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Article 12 (1)–(3)	Measures shall be adopted for a period not exceeding five years. They may be extended where, following the review referred to in paragraph 2, the competent authority concludes that the requirements laid down in Articles 6 to 10 continue to be fulfilled. A competent authority shall regularly review whether a measure referred to in Article 5 continues to comply with the requirements laid down in Articles 6 to 10. The first review shall be carried out within five years from the date of adoption of the measure. Where, following the review, a competent authority concludes that a measure no longer fulfils the requirements laid down in Articles 6 to 10, it shall withdraw that measure without undue delay.		SE finds that requirements in this article are likely to be unduly administratively and financially burdensome. SE therefore considers that this question should be further discussed.
Article 13 (1)–(2)	A competent authority shall make publicly available information on any measure adopted pursuant to Article 5, and on the extension, amendment or withdrawal of the measure, before its entry into force. The information referred to in paragraph 1 shall include: the assessments carried out by the competent authority to ensure compliance with Articles 6 to 10; the precise territorial scope of the area under housing stress and of the measure; the duration of the measure.		SE considers that this is an important transparency mechanism, in light of the deletion of the notification mechanism under the Servies Directive, for measures adopted under the Regulation. SE considers that transparency mechanism under the regulation should be further discussed.
Article 15 (1)–(6)	The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article 6(3).		SE does not find delegated acts a suitable way to tackle necessary amendments. Rather, SE want the competent authorities to have a

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	The power to adopt delegated acts referred to in Article 6(3) shall be conferred on the Commission for an indeterminate period of time from … [PO please insert the date: the date of entry into force of this Regulation]. The delegation of power referred to in Article 6(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. A delegated act adopted pursuant to Article 6(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		greater margin of appreciation in line with the principle of subsidiarity. SE therefore considers that this question should be further discussed.

Article 17	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. **It shall apply from [*5 years after it's entry into force*]**.	It is important that the Regulation allows sufficient time to prepare for its application. SE therefore proposes adding a provision stipulating that the Regulation should only apply from a date that allows for this.

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SI comments

We would like to share our question regarding data sources and the use of national data. We would welcome further clarification regarding the data sources that the Commission intends to use for identifying housing stress areas and calculating the relevant indicators.

In particular, we would appreciate additional information on:

1. *the underlying datasets and methodologies that will be used at EU level;*

2. *the extent to which Member States will be able to use national data and methodologies where these provide a more accurate representation of actual housing market conditions.*

Our experience suggests that certain indicators may appear very relevant from a conceptual perspective, but in practice do not always reflect the real situation on the ground. For example, some supply-side indicators, such as the number of issued building permits, may not necessarily correspond to actual housing delivery due to land shortages (relief), implementation delays, project cancellations, financing constraints or other factors. As a result, such indicators may not always be appropriate as standalone criteria for assessing housing market pressures.

Slovenia is currently undertaking several analytical projects aimed precisely at identifying which datasets and indicators most accurately reflect actual housing market conditions and housing accessibility challenges. This work has highlighted the importance of carefully assessing the suitability, reliability and explanatory value of individual indicators before they are used for policy purposes.

Against this background, could the Commission clarify whether Member States will be able to propose alternative national datasets and indicators where they can justify, on the basis of evidence and methodology, that such data more accurately captures housing market realities in the relevant territory than the corresponding EU-level dataset.

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Preliminary comments and specific technical inquiries of the Slovak Republic regarding the Proposal for a Regulation on the Affordable Housing Act (COM(2026) 599 final)

Introductory Statement and General Policy Context

As a matter of principle, the Slovak Republic fully supports the overarching objective of the European Commission to improve the availability, accessibility and affordability of quality housing across the European Union. At the same time, the Slovak Republic considers it essential to underline that housing policy, spatial planning, land-use regulation and local building permitting remain primarily matters of national, regional and local competence. Any Union-level initiative in this area should therefore fully respect the principles of subsidiarity and proportionality and safeguard the competences and policy choices of Member States and their regional and local authorities.

From a legal and institutional perspective, the Slovak Republic has concerns regarding the choice of **Article 114 TFEU as the sole legal basis** for the proposed Regulation. While the proposal explicitly states that it does not seek to harmonise national housing policies, the introduction of directly applicable and binding Union rules governing the conditions under which national, regional and local authorities may adopt certain housing-related measures could, in practice, result in a degree of harmonisation of national regulatory frameworks.

In this regard, the Slovak Republic would appreciate further clarification from the Commission as to the legal rationale for relying exclusively on Article 114 TFEU, in particular as regards the link between the proposed framework and the functioning of the internal market, and as regards the limits of Union competence in an area which remains largely within the competence of the Member States.

The Slovak Republic also has concerns regarding the **general applicability of the proposed methodology for identifying areas under housing stress**. According to simulations carried out on the basis of official national data, the current Price-to-Income (PtI) ratio for an average 60 m² dwelling in Slovakia is approximately **13.6**. This is significantly above the threshold of 10 referred to in Article 6(2). Consequently, under the proposed methodology, *a very substantial part of the urban and regional territory of Slovakia could potentially qualify as an "area under housing stress"*.

The Slovak Republic considers this outcome to be indicative of the structural characteristics of the Slovak housing market, including a historically limited housing stock, a relatively low rate of new housing construction, a very high rate of owner-occupied housing and a comparatively underdeveloped institutional rental sector. In the Slovak Republic's assessment, housing affordability challenges are primarily attributable to such structural factors rather than to short-term accommodation rental services or the acquisition of residential property for non-main-residence purposes.

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The Slovak Republic therefore considers that the proposed methodology should be further examined to ensure that it appropriately captures the diverse structural characteristics of housing markets across Member States and does not result in the broad or automatic classification of entire national territories as areas under housing stress.

Against this background, the Slovak Republic invites the Commission to consider whether a **Directive or another more flexible legal instrument** could provide an appropriate framework while allowing Member States greater flexibility to take account of their specific housing-market structures.

The Slovak Republic would also welcome consideration of appropriate safeguards or differentiated treatment for Member States or areas where there is no demonstrable causal link between short-term accommodation rental services and housing affordability or accessibility concerns.

Specific Technical Questions and Issues for Discussion

With a view to clarifying the legal, operational and practical implications of the proposal, the Slovak Republic would like to raise the following questions.

Part I – Scope, Subsidiarity and Legal Definitions

1. Subsidiarity and legal basis – Articles 1 and 2

Question: Given that housing policy, spatial planning, land-use regulation and building permitting fall primarily within the competence of the Member States and their regional and local authorities, how does the Commission intend to ensure that the uniform conditions established under Article 114 TFEU will not unduly constrain national, regional or local policy choices?

More specifically, how does the Commission assess the risk that the proposed framework could result, in practice, in a degree of harmonisation of local housing-market regulation beyond what is necessary to address barriers to the functioning of the internal market?

The Slovak Republic would appreciate further clarification regarding the safeguards that would ensure that the proposed Regulation remains within the limits of Union competence while respecting the principles of subsidiarity and proportionality.

2. Material scope and grey zone of rentals – Article 2(1)(a)

Article 2(1)(a) refers to restrictions concerning short-term accommodation rental services.

Question: Could the Commission clarify whether the proposed framework would also cover specific national or traditional forms of **occasional, non-commercial peer-to-peer accommodation or short-term rentals** which, under national law, do not constitute a commercial economic activity, but which may nevertheless have an impact on local housing markets?

In particular, how should Member States distinguish between genuinely commercial short-term accommodation activities and occasional or ancillary use of residential property, especially where national legal classifications differ?

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3. Measures adopted for overriding reasons of public interest – Article 2(2)

Article 2(2) excludes measures adopted for overriding reasons of public interest unrelated to housing affordability or accessibility, such as the protection of the urban environment or cultural heritage.

Question: Could the Commission clarify how this provision should apply where a measure pursues **several objectives simultaneously**?

For example, if a municipality introduces restrictions on short-term accommodation rental services in a historic city centre primarily in order to protect a designated cultural-heritage area, while the measure may also have an incidental positive effect on housing availability, would such a measure fall outside the scope of the proposed Regulation?

More generally, would the decisive factor be the **primary objective of the measure**, or would the municipality nevertheless be required to demonstrate compliance with the housing-stress assessment and other requirements under Articles 6 to 10?

4. Relationship with the Services Directive and hybrid measures – Article 3(1)

Article 3(1) appears to establish a specific relationship between the proposed framework and **Directive 2006/123/EC** where measures are justified specifically by housing affordability or accessibility.

The practical application of this distinction may, however, give rise to situations in which a single measure pursues several objectives.

Question: How should the applicable Union legal framework be determined where a municipality adopts a single, indivisible measure pursuing, for example, both housing-related objectives and objectives relating to public order, noise, nuisance or the protection of the urban environment?

For instance, where a municipality restricts short-term accommodation rental services in a residential area experiencing housing stress, while also relying substantially on considerations relating to anti-social behaviour, public nuisance or the protection of the urban environment, should the measure be assessed:

- exclusively under the proposed Regulation;
- under Directive 2006/123/EC;
- or under both legal instruments, with each applying to the relevant aspects of the measure?

The Slovak Republic would welcome clear guidance from the Commission on the applicable legal test in such cases.

5. Concept of "main residence" – Article 4(4)

The proposed definition of **"main residence"** refers, inter alia, to the concept of the person's habitual centre of interests while also referring to applicable national law.

The Slovak Republic considers that this concept may raise practical difficulties in Member States with significant internal and cross-border labour mobility.

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For example, a person may rent an additional apartment close to their place of employment during the working week while maintaining their family home elsewhere. Both properties may, from a practical perspective, constitute long-term housing arrangements, although only one would qualify as the person's main residence under the proposed definition.

Question: Could the Commission clarify how such situations should be addressed in practice? Would the Commission consider it appropriate to rely more heavily on **objective indicators of long-term residential use**, such as the duration of the lease agreement—for example, a lease exceeding six months—rather than on an assessment of an individual's habitual centre of interests?

The Slovak Republic considers that an objective criterion based on the duration and nature of the tenancy could provide greater legal certainty and reduce administrative burdens, while better reflecting the distinction between short-term accommodation and long-term residential use.

6. Entry into application, transition period and data capacity – Article 17

The proposal provides for entry into force 20 days after its publication in the Official Journal. At the same time, implementation of the proposed framework would require Member States and competent authorities to establish or adapt statistical, analytical and administrative capacity, including the collection and processing of sufficiently granular data for the assessment of housing stress and the application of the relevant methodology.

Question: Would the Commission consider an appropriately longer **vacatio legis**, for example 18 to 24 months, in order to allow national statistical authorities, regional and local authorities and other competent bodies sufficient time to prepare the necessary data infrastructure and administrative procedures?

Such a transition period could be particularly relevant for smaller Member States and for local authorities with more limited analytical and statistical capacity.

Part II – Assessment of Housing Stress, Necessity and Proportionality

7. Inherent Limitations of the Price-to-Income ratio – Article 6

The Slovak Republic has substantive concerns regarding the use of the **Price-to-Income (PtI) ratio as a principal indicator for identifying areas under housing stress**.

The PtI ratio compares the acquisition cost of a dwelling with household disposable income. As such, it primarily measures the affordability of **purchasing residential property**, rather than the broader concept of access to adequate and affordable housing, including access to affordable rental housing.

The Slovak Republic considers that these concepts should not be conflated. A high PtI ratio may reflect structural characteristics of a housing market, including a high rate of home ownership, without necessarily demonstrating a corresponding lack of access to affordable rental housing.

This distinction is particularly relevant in Slovakia, where owner-occupied housing accounts for approximately 90% of the housing stock and the institutional rental sector remains comparatively underdeveloped.

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From a policy perspective, the Slovak Republic considers that addressing housing needs should not necessarily imply facilitating additional home ownership by households with limited financial resilience. Instead, increasing the availability and diversity of **affordable long-term rental housing** may represent a more relevant policy response to certain housing needs.

Against this background, the Slovak Republic considers that the methodology for identifying areas under housing stress should take greater account of the **rental housing market and rental affordability**, rather than relying predominantly on an indicator of purchasing affordability.

Question: The proposed threshold of 8, and the higher threshold of 10 referred to in Article 6(2), may have substantially different implications across Member States with structurally different housing markets.

In Member States where house prices have historically diverged from average disposable household incomes due to structural features of the housing market, the application of a uniform PtI threshold may result in the identification of extensive geographical areas as being under housing stress without necessarily reflecting a specific local housing-market imbalance.

Would the Commission therefore consider allowing **greater flexibility in the application of the PtI thresholds**, including the possibility of applying adjusted thresholds where a Member State can demonstrate that the standard thresholds do not appropriately reflect its structural housing-market conditions?

More generally, what safeguards would prevent a structural characteristic of a national housing market from being interpreted automatically as evidence of a local or regional housing-market failure?

8. Delegation of powers to amend thresholds/methodology – Article 6(5)

Article 6(5) empowers the Commission to amend certain thresholds, indicators and elements of the methodology through delegated acts.

Question: Given that relatively limited changes to the methodology or numerical thresholds could significantly alter the geographical areas qualifying as areas under housing stress, and consequently affect the territorial scope of the Regulation, could the Commission clarify the rationale for considering these elements to be non-essential elements within the meaning of Article 290 TFEU?

The Slovak Republic considers that changes having a **substantial impact on the scope or application of the Regulation** should be subject to the ordinary legislative procedure.

The Slovak Republic would also welcome clarification as to the safeguards that would apply to ensure transparency, predictability and appropriate consultation before significant methodological changes are introduced.

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9. Burden of proof and identification of causal factors – Articles 9(2) and (3)

Articles 9(2) and 9(3) require competent authorities to demonstrate that short-term accommodation rental services or the acquisition/use of residential property other than as a main residence have had a **significant adverse effect** on housing affordability or accessibility over a specified period.

The Slovak Republic considers that establishing such causality may be particularly challenging in housing markets affected by multiple simultaneous macroeconomic and structural factors.

For example, developments in house prices may be influenced by inflation, construction costs, interest rates, household income, demographic developments, land availability and planning restrictions, in addition to any possible impact of short-term accommodation rental services or non-main-residence property ownership.

Question: How does the Commission envisage that competent authorities should demonstrate the specific contribution of short-term accommodation rental services or non-main-residence property acquisition/use where their effects cannot readily be isolated from broader macroeconomic and structural factors?

Would a measure be considered insufficiently justified, and therefore potentially unlawful, if a competent authority could demonstrate a statistically significant correlation and a substantial contribution, but could not establish that the relevant factor was the exclusive or predominant cause of the observed housing-market pressure?

The Slovak Republic would welcome clarification regarding the **standard of evidence and level of causality** expected under Articles 9(2) and 9(3), particularly in circumstances where several factors contribute simultaneously to housing-market developments.

10. Judicial review, and the right to property – Articles 10 and 11

The Slovak Republic notes that Article 11 provides for procedural safeguards and effective judicial review, including the possibility of challenging the assessments carried out by competent authorities under Articles 6 to 10.

At the same time, the proposed framework establishes a detailed set of EU-level quantitative and procedural conditions governing the adoption of certain national and local measures.

Question: Could the Commission clarify the legal effect of compliance with the quantitative criteria established by the Regulation on judicial review under Article 11, in particular as regards the assessment of necessity and proportionality?

In particular, should the fulfilment of the EU-defined conditions for identifying an area under housing stress be regarded solely as a necessary condition for the adoption of a measure, or could it also have implications for the assessment of the measure's proportionality by national courts?

The Slovak Republic considers it important that compliance with the EU methodology should not prevent national courts from taking account of **local market circumstances, alternative policy instruments and less restrictive measures** when carrying out their judicial review.