



30.1.2015

NOTICE TO MEMBERS

Subject: Petition No 2033/2013 by by A. C. (Italian), on restrictions on the right of permanent residence for EU citizens in Spain

1. Summary of petition

The petitioner protests against the difficulties which she and her husband have encountered in obtaining the right to reside permanently in Spain, as provided for in Directive 2004/38/EC. In addition to requiring proof that the couple have been living in Spain for a continuous period of at least five years, the Spanish police authorities have asked them to furnish documentary evidence concerning their financial situation and insurance status.

These requirements being imposed by the Spanish authorities go beyond the provisions of Directive 2004/38/EC, which stipulates only that the length of stay in a Member State must exceed five years.

2. Admissibility

Declared admissible on 7 August 2014. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 January 2015

The Commission is not aware of an allegedly incorrect application of the rules concerning the right of permanent residence in Spain.

The Commission may bring an infringement proceeding against a Member State if it believes that the Member State has breached Union Law. In the case of an administrative practice which infringes Union law, the jurisprudence of the European Court of Justice requires the

Commission to provide information proving by means of sufficiently documented and detailed proof the existence of an offending administrative practice which must be, to some degree, of a consistent and general nature.

However, according to the information available to the Commission at this stage, an offending administrative practice of a consistent and general nature cannot be established.