

WRITTEN QUESTION E-4147/08  
by Ignasi Guardans Cambó (ALDE)  
to the Commission

Subject: Foreigner Identification Number required by the Spanish authorities in the case of residents who have been in Spain for less than three months

In its reply to Question E-2586/08 the Commission pointed out that, as stated in Directive 2004/38/EC<sup>1</sup> of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, a Member State may not demand residence documents from EU citizens who have spent less than three months in that State.

The Commission is well aware that even if no internal rule adopted by a Member State directly contravenes a provision of Community law, practices allowed by that State's authorities may in effect constitute a blatant infringement of European law. Hence, with a view to preventing misinterpretations and irrespective of the procedures which the Commission decides in this connection to apply to Spain, the following question is tabled.

Given that the Foreigner Identification Number [Spanish abbreviation NIE] is not a tax document but, rather, a form of identification issued by the authorities responsible for foreigners which serves to identify only those who are resident in Spain, will the Commission confirm that requiring EU citizens who have been resident in Spain for less than three months to obtain an NIE as a condition for the formalisation of legal, civil and commercial acts and transactions in Spain (currently a widespread practice in that country) is contrary to Community law and, in particular, to Directive 2004/38/EC of 29 April 2004?

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<sup>1</sup> OJ L 158, 30.4.2004, p. 77.