It is for each Member State, having regard to Union law, to lay down the conditions for acquisition and loss of nationality. Spain requires persons acquiring its nationality to renounce their prior nationality, with few exceptions.

As a result of the Court of Justice’s case law, it cannot be excluded that a preferential regime for the naturalisation of nationals of certain countries could be justified insofar as nationals of these countries have closer ties with the Member State concerned. Section 11(3) of the Spanish Constitution indicates that the preferential conditions for naturalisation are due to the special links between Spain and the countries concerned. The Member States must have due regard to the principle of non-discrimination on grounds of nationality in regulating the conditions for acquisition and loss of nationality for nationals of other Member States.

Article 45 of the Treaty on the Functioning of the European Union enshrines the principle of non-discrimination between workers of the Member States. According to Article 45(4), the Member States may reserve access to certain public posts to their nationals.

The Court made clear that such public posts are those that involve participation in the exercise of public powers and safeguarding the general interests of the State or of other public authorities. Such posts presume the existence of a special relationship of allegiance to the State and reciprocity of rights and duties, which found the bond of nationality. The assessment is on a case-by-case basis, with regard to the tasks and responsibilities of the post.

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1 Judgments of 2 March 2010, Rottmann, C-135/08, EU:C:2010:104, paragraphs 39 and 41.
2 Latin American countries, Andorra, the Philippines, Equatorial Guinea, Portugal or France.
3 The Court of Justice has accepted that “it is legitimate for a Member State to take the view that nationality is the expression of a genuine link between it and its nationals” in its judgment of 12 March 2019, Tjebbes and Others, C-221/17, EU:C:2019:189, paragraph 35. The Court further stated that “the undesirable consequences of one person having multiple nationalities should be avoided” in its judgment of 18 January 2022, Wiener Landesregierung, C-118/20, ECLI:EU:C:2022:34, paragraph 54.