



9.9.2024

NOTICE TO MEMBERS

Subject: Petition No 0271/2024 by J.J.D.C. (Spanish) on alleged discrimination against EU citizens applying for recreational fishing licences in Portugal

1. Summary of petition

The petitioner is complaining about alleged discrimination against EU citizens applying for recreational fishing licences in Portugal. He compares the situation with Galicia, where EU citizens are treated the same as Spanish citizens, and asks not to be subject to discrimination in Portugal. The petitioner has lodged a complaint with the Portuguese authorities for alleged discriminatory treatment.

2. Admissibility

Declared admissible on 5 June 2024. Information requested from Commission under Rule 227(5) (New Rule 233(5)).

3. Commission reply, received on 9 September 2024

The Commission's observations

Article 20(1) of Directive 2006/123/EC¹ requires that Member States shall ensure that recipients of services are not made subject to discriminatory requirements based on their nationality or place of residence.

Article 56(1) of the Treaty on the functioning of the European Union (TFEU) provides that “within the framework of the provisions set out below, restrictions on freedom to provide services within the Union shall be prohibited in respect of nationals of Member States who are established in a Member State other than that of the person for whom the services are intended”. This fundamental freedom also includes the freedom for recipients of services, in particular

¹ OJ L 376, 27/12/2006, p. 36.

tourists, to go to another Member State in order to enjoy those services under the same conditions as nationals and residents.²

The petitioner has attached to his petition correspondence with the Portuguese Ombudsman's office from the end of 2021, which indicates that the petitioner's complaint to the relevant Portuguese authority about the difference in fees for fishing licences was upheld. The letter from the Portuguese Ombudsman's office stated that the Portuguese government intended "to take the necessary steps to do away with the difference in fees", but that this could take "some time" due to the imminent change in government.

The petitioner has in parallel submitted a complaint (CPLT (2024) 01117) about a breach of EU law to the European Commission. Since the Portuguese authorities are already aware that they need to act to remove the difference in fees charged to Portuguese residents and non-residents, the Commission services have suggested to the petitioner that he should contact the SOLVIT Network, which can assist him in following up on this matter with the Portuguese authorities. SOLVIT is an online network of national centres, which assists citizens and businesses with cross-border problems they face in the Single Market.

Conclusion

The petitioner's correspondence shows the Portuguese authorities are already aware that they need to act to remove the difference in fees for fishing licences. The Commission services have written to the petitioner to suggest he should contact the SOLVIT Network, which can assist him in following up on this matter with the Portuguese authorities.

² Case C-186/87 Cowan, ECLI:EU:C:1989:47, para 15; Cases 286/82 and 26/83 Luisi and Carbone, ECLI:EU:C:1984:35, para 16.