Council of the European Union

Brussels, 10 September 2026
(OR. en)

12967/26
ADD 5

Interinstitutional File:
2026/0268 (COD)

COMPET 1047
MI 862
SOC 586
CODEC 1634
FIN 1243
COH 141
ENER 560
IA 221

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	9 September 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	SEC(2026) 599 final
Subject:	REGULATORY SCRUTINY BOARD OPINION Affordable Housing Act

Delegations will find attached document SEC(2026) 599 final.

Encl.: SEC(2026) 599 final

EUROPEAN COMMISSION

17.7.2026

SEC(2026) 599

REGULATORY SCRUTINY BOARD OPINION

Affordable Housing Act

{COM(2026) 599

{SWD(2026) 605-607}

EUROPEAN COMMISSION
REGULATORY SCRUTINY BOARD

Brussels,
RSB

Opinion

Title: Impact assessment / Affordable Housing Act

Overall 2nd opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

The political guidelines for the 2024-2029 European Commission recognised the urgency of the housing crisis, and in December 2025, the European Commission presented the European Affordable Housing Plan (EAHP) to complement and support Member States' housing policies and initiatives including at regional and local levels, while respecting the principle of subsidiarity. The EAHP sets out 10 key areas of action where the EU can add value and support efforts by other public authorities and stakeholders, including a new Affordable Housing Act (AHA) to support public authorities in identifying areas of housing stress, and support them, in full respect of subsidiarity, to take measures to protect and promote housing affordability in those areas.

(B) Key issues

The Board notes improvements to the report.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the lead Service to rectify the following aspects:

(1) The effectiveness of the preferred option is not sufficiently assessed.

(2) The coherence of the initiative with other initiatives impacting on housing is not sufficiently analysed.

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(C) What to improve

(1) The report should better assess and demonstrate the effectiveness of the preferred option, given the focus on the process and the uncertainties related to the embedded flexibilities. The report should clarify whether competent authorities will receive additional support (e.g. guidance, tools) for implementing the proposed framework. The report should also analyse to what extent relying exclusively on a procedural approach – while contributing to the transparency of the process and accountability of the competent authorities – will sufficiently reduce legal uncertainty.

(2) The report should significantly strengthen the analysis of coherence of the preferred option with the other related initiatives having a bearing on housing (in particular the European Affordable Housing Plan, cohesion policy, short term rentals Regulation).

(3) Given that the preferred option relies on access to robust granular data at local level, the report should assess how the access to the input data needed for the calculation of Tier 1 and Tier 2 indicators will be ensured. In addition, for Tier 2 indicators, the report should analyse the availability and robustness of data resulting from the implementation of Short-Term Rentals Regulation from the perspective of how it may improve the effectiveness of the proposed initiative.

(D) Conclusion

The lead Service(s) may proceed with the initiative.

The lead Service(s) must revise the report and its executive summary in accordance with the Board's findings before launching the interservice consultation.

Full title	Proposal for a Regulation of the European Parliament and of the Council on the Affordable Housing Act
Reference number	PLAN/2026/424
Submitted to RSB on	2 July 2026
Date of RSB meeting	Written procedure

EUROPEAN COMMISSION
REGULATORY SCRUTINY BOARD

Brussels,
RSB

Opinion

Title: Impact assessment / Affordable Housing Act

Overall opinion: NEGATIVE

(A) Policy context

The political guidelines for the 2024-2029 European Commission recognised the urgency of addressing the housing crisis, and in December 2025, the European Commission presented the European Affordable Housing Plan (EAHP) to complement and support Member States' housing policies and initiatives including at regional and local levels, while respecting the principle of subsidiarity. The EAHP sets out 10 key areas of action where the EU can add value and support efforts by other public authorities and stakeholders, including a new Affordable Housing Act (AHA) to support public authorities in identifying areas of housing stress, and support them, in full respect of subsidiarity, to take measures to protect and promote housing affordability in those areas.

(B) Key issues

The Board notes the additional information provided and commitments to make changes to the report.

However, the Board gives a negative opinion because the report contains the following serious shortcomings that the lead Service must address:

(1) The report is not clear about its scope and the problem at the EU level that it aims to address. It does not substantiate the problem related to the single market with appropriate evidence. The general and specific objectives are not defined in line with better regulation requirements.

(2) The policy measures and options are not sufficiently and clearly defined to allow for the assessment of their impacts. The impacts of the policy options on the single market and on the affordability of housing are not sufficiently analysed.

(3) The conformity with subsidiarity and proportionality principles is not sufficiently demonstrated to justify the proposed action at the EU level.

(C) What to improve

(1) The context and scope of the initiative should be better explained, especially in relation to the Services Directive, the Short-Term Rentals Regulation and the Digital Services Act. Based on this, the report should clearly delineate the problem the initiative aims at and how it relates to the broader housing challenge. The magnitude of the problem at EU level should be demonstrated.

(2) The report should provide evidence of negative effects on the Single Market caused by the alleged fragmented approach to demand-side restrictions. In line with a revised problem definition the report should analyse the problem drivers, based on available evidence. The assessment of the problems of legal uncertainty faced by public authorities should be enhanced based on available evidence.

(3) The objectives should subsequently be revised to reflect the actual aim of the intervention. The report should establish clearly the link between the proposed measures, the objectives and the problems to show how this intervention will concomitantly improve both the functioning of the single market in this area and the affordability of housing, without aggravating the housing problem locally.

(4) The policy measures and options should be clearly defined to allow for the assessment of their impacts and comparison. In particular, it should be clear which obligations stem from which policy option, for whom and under what circumstances, and what is the interplay among the measures under each policy option. The voluntary or compulsory nature of the proposed measures should be made clear. For example, option 2 includes recommendations to Member States on supply. However, at the same time, option 2 under b2 includes measures increasing supply as one of the obligations to access to restrictions that would be exceptionally permitted.

(5) The policy measures should better take into account available evidence. For example, given the limited evidence on effectiveness of demand-side measures and their context dependence, the report should demonstrate that developing a harmonised framework is feasible, i.a. regarding the definition of areas under stress. The report should also clarify how the proposed measures will relate to existing restrictions, if and how they will be applied in situations of a potential mismatch between the areas identified as being under housing stress and the area of action by local authorities, and how the conformity of the measures will be assessed and by whom. The report needs to be clear how legal certainty will be ensured for public authorities regarding all the proposed elements.

(6) The effectiveness of the proposed measures needs a more thorough analysis. Given that the harmonised criteria proposed for assessing the conformity of the demand-side restrictions in areas under housing stress leave a significant leeway to the authorities introducing them, the report should consider to what extent an EU regulatory approach can bring added value. The effectiveness and practical aspects of the requirement to propose supply-side measures in order to be allowed to introduce demand-side restrictions needs to be carefully assessed. In case mandatory supply side measures are considered, the report should provide an assessment regarding their costs and enforcement. In addition, the analysis of the potential spillover effects to areas neighbouring those with demand-side restrictions should be strengthened.

(7) The report should improve the justification for acting at EU level on housing which is primarily a national/regional/local competence. The subsidiarity and proportionality assessment needs to take into account the effectiveness of the proposed approach and the distribution of competences among various levels of governance. *Some more technical comments have been sent directly to the author Service.*

(D) Conclusion **The DG must revise the report and its executive summary in accordance with the Board's findings and resubmit it for a final RSB opinion.**	
Full title	Proposal for a Regulation of the European Parliament and of the Council on the Affordable Housing Act
Reference number	PLAN/2026/424
Submitted to RSB on	7 May 2026
Date of RSB meeting	3 June 2026

Electronically signed on 17/07/2026 13:21 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121