

Welfare in Europe: Access and safeguards as regards to social assistance and benefits



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The EU provisions regarding access to social assistance and social security benefits are recurrently discussed in some Member States and at the EU level.

With over 14 million EU citizens resident in another Member State on a stable basis, free movement – or the ability to live, work and study anywhere in the Union – is the EU right most cherished by Europeans.

The main motivation for EU citizens to make use of free movement is work-related, followed by family reasons. Mobile EU citizens not in employment (namely students, retirees, jobseekers and inactive family members) represent only a limited share (approx. 30%) of the total number of mobile EU citizens.

Rights and obligations of EU citizens under EU law

Conditions for and limitations on the right of EU citizens to move and reside freely within the EU are set out in [Directive 2004/38/EC](#). Specific workers' rights are set out in [Regulation \(EU\) No 492/2011](#). Social security rights of mobile EU citizens at the EU level are governed by Regulations (EU) [No 883/2004](#) and [No 987/2009](#).

More information on the freedom of movement and residence for persons in the EU is available in the European Parliament's fact sheet "[Free movement of persons](#)".

Safeguards to protect host Member States

It is important to note that the way social security is organised differs greatly within Europe, and that every EU country designs its social security system independently.

Additionally, EU law provides for safeguards as regards access to social assistance for economically inactive mobile EU citizens, to protect host Member States from unreasonable financial burdens. For example, the host EU country is not obliged by EU law to grant social assistance to economically inactive EU citizens during the first three months of residence.

Between three months and five years: Economically inactive EU citizens are in practice unlikely to be eligible for social assistance benefits, since to acquire the right to reside they would have initially needed to show to the national authorities that they had sufficient resources. More information is available in a [European Commission press release of 25 November 2013](#).

ECJ: Judgment on the exclusion from certain social benefits

In fact, the Court of Justice of the European Union has recently [confirmed](#) that economically inactive EU citizens who go to another Member State solely in order to obtain social assistance may be excluded from certain social benefits.

Parliament on free movement within the EU

The European Parliament is a strong defender of the fundamental right of free movement in the EU. In a [resolution of 16 January 2014 on respect for the fundamental right of free movement in the EU](#), MEPs call on the Member States to not discriminate against EU mobile workers, when wrongfully associating the right of free movement for work purposes with alleged abuse of social security systems. MEPs reminded Member States of their social responsibility to tackle misuse of their social welfare systems, regardless of whether it is committed by their own citizens or by citizens of other EU countries. More information is available in a [European Parliament press release of 15 January 2014](#).

Overview on residence and benefits rights of EU citizens

The European Parliamentary Research Service in June 2014 published the in-depth analysis "[Freedom of movement and residence of EU citizens. Access to social benefits](#)" seeking to provide an overview of the residence and benefits rights of EU citizens in a Member State other than their own, examining in particular criticisms of the current arrangements.

Practical tips

The EU webpage on "[unemployment and benefits](#)" provides practical tips and information on different cross-border related issues in this area.

Any questions on this issue or another EP-related concern? Please use our [web form](#). You write, we answer.

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