

EN
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Answer given by Ms Jourová
on behalf of the Commission
(22.11.2016)

Infringement proceedings were launched under Article 258 of the Treaty on the Functioning of the European Union on 11 June 2011 against the UK with respect to the UK laws that require that economically non-active EU citizens prove that they had private sickness insurance during the time when they resided in the UK in accordance with Article 7(1)(b) of Directive 2004/38/EC, even if they were actually affiliated with the National Health Service scheme.

These infringement proceedings are on-going. The Commission is still assessing the case, also in light of recent case law of the Court of Justice concerning conditions Member States can attach to access by economically non-active EU citizens to welfare benefits in order to protect public finances.¹ The Commission will take a position on the next steps in due course.

¹ Cases C-140/12 Brey, C-333/13 Dano, C-67/14 Alimanovic and C-299/14 Garcia Nieto.