

Social Security of Persons Moving within the EU

Social security remains within the competence of the Member States. The EU only took measures with respect to persons joining the right to free movement of persons.

Sources of Law

In 1959 two regulations relating to coordination of social security systems entered into force. Regulation 1408/71 replaced the previous legislation – applied only to persons performing the gainful activity.

Regulation 883/2004 –of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems entered into force in 2010. The personal scope of application was enlarged and the benefits amended.

Coordination of social security systems between the Member States – purpose –faciliate the free movement of persons.

Personal Scope of Application:

all nationals of an EU country who are or who have been covered by the social security legislation of one of those countries, as well as to the members of their family and their survivors.

Material Scope of Application

- Sickness benefits,
- Maternity benefits and equivalent paternity benefits
- Invalidity benefits
- Old-age benefits
- Survivors' benefits
- Benefits in respect of accidents at work and occupational diseases
- Death grants
- Unemployment benefits
- Pre-retirement benefits
- Family benefits.

Benefits Excluded from the Scope of Application

- Social assistance
- Medical assistance
- Benefit schemes for victims of war or its consequences.

Key Principles of Coordination

1. The Principle of Equal Treatment

no discrimination based on nationality or permanent residence. The EU nationals are equal to persons residing in an EU Member State who are not nationals of any Member State.

2. Aggregation of Periods

Periods of insurance, employment or residence in an EU country are taken into account in all the other EU countries. State must take account of periods of insurance, employment, self-employment or residence in another EU Member State with respect to acquisition of the right to benefits in another Member State

3. Applicable Legislation

Any person is subjected to legislation of one Member State only. The Legislation is determined according to place of performing the gainful activity.

4. Export of Benefits

The competent institution of the Member State is obliged to pay benefit to entitled person who moved to another Member State