

EN

E-001846/2026

Answer given by Executive Vice-President Mînzatu
on behalf of the European Commission
(19.6.2026)

1. Articles 49 and 56 of the Treaty on the Functioning of the European Union are not applicable in the present case, since the person concerned is neither hindered nor restricted in pursuing a self-employed activity in Belgium, but is already effectively established and providing services there. The fact that the individual resides in the Netherlands is distinct from the pursuit of an economic activity in Belgium and, accordingly, the grant or refusal of the Flemish childbirth allowance does not, in itself, constitute a restriction on the freedom of establishment or the freedom to provide services within the meaning of the Treaty.

2. With respect to workers who are employed in another Member State, they should in principle enjoy the same social advantages as national workers in the Member State where they work according to Article 7(2) Regulation 492/2011¹.

Two factors should be taken into account: firstly, whether the ‘birth allowance’ granted by local municipalities could be qualified as a social advantage and as such should also be granted to EU mobile workers according to Article 7(2) of Regulation 492/2011 regardless of their place of residence. It is possible that such a residence condition could also be justified by a legitimate aim. Secondly, whether the ‘birth allowance’ granted by local municipalities is to be considered as a family benefit in the meaning of Article 1 (z) of Regulation 883/2004².

¹ <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex:32011R0492>.

² <https://eur-lex.europa.eu/eli/reg/2004/883/oj/eng>.