

EN
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Answer given by Mr McGrath
on behalf of the European Commission
(10.7.2026)

As stated by the Court of Justice in *Dano*¹, Member States may exclude from social assistance economically inactive nationals of other Member States who – due to insufficient resources – do not fulfil the conditions for residence based on Directive 2004/38/EC. In *Commission v UK*², the Court stated that Member States may require economically inactive mobile EU citizens to reside lawfully in their territory based on Directive 2004/38/EC to receive non-contributory family related social benefits falling into the scope of Article 1(z) of Regulation (EC) No 883/2004.

In addition, pursuant to Article 24(2) of Directive 2004/38/EC, Member States may limit for certain periods the entitlement to social assistance and maintenance aid referred to in that provision of mobile EU citizens who are not economically active.

By contrast, mobile EU citizens who are workers or who are self-employed persons (or those who retain that status following the cessation of an economic activity³) and their family members are entitled to the same social assistance as nationals from the beginning of their stay⁴.

As also mentioned by the Court in *Dano*⁵, the exclusion of economically inactive citizens who are not residing lawfully in their territory based on the Directive 2004/38/EC from equal access to social assistance is intended to prevent such EU citizens from using the host Member State's welfare system to fund their means of subsistence and to ensure that no unreasonable burden is placed on the social assistance systems of the host Member State.

¹ Judgment of the Court of Justice of 11 November 2014, *Dano*, C-333/13, EU:C:2014:2358, paragraph 82.

² Judgment of the Court of Justice of 16 June 2016, *Commission v UK*, C-308/14, ECLI:EU:C:2016:436, paragraph 86.

³ Judgment of the Court of Justice of 15 September 2015, *Alimanovic*, C-67/14, ECLI:EU:C:2015:597, paragraphs 53 and 54.

⁴ Judgment of the Court of Justice of 25 February 2016, *García-Nieto*, C-299/14, ECLI:EU:C:2016:114, paragraph 44.

⁵ Judgment of the Court of Justice of 11 November 2014, *Dano*, C-333/13, EU:C:2014:2358, paragraphs 74 and 76.