

(English version)

**Question for written answer E-002792/26
to the Commission
Christine Anderson (ESN)
(6 July 2026)**

Subject: Protection of national social security systems under EU law

The Court of Justice of the European Union has recognised in several judgments that Member States may seek to safeguard the financial stability of their social security systems.

1. How does the Commission currently assess the relationship between the freedom of movement under EU law and the fiscal sustainability of national social security systems?
2. Does the Commission consider that Member States retain sufficient scope for action to limit disproportionate burdens arising from the coordination of social security benefits across borders?
3. Is the Commission considering additional safeguards against the abusive or disproportionate use of family-related social security benefits?

Submitted: 6.7.2026

**Answer given by Executive Vice-President Mînzatu on behalf of the European Commission
(4 August 2026)**

Pursuant to rules on the determination of applicable legislation laid down in Article 11 of Regulation (EC) No 883/2004 ⁽¹⁾, economically active persons are covered by the social security scheme of the Member State where they pursue their professional activity whereas economically non-active persons are covered by the social security scheme of the Member State where they have their habitual residence.

These rules ensure that insured persons contribute to the financing of the social policies of the competent Member State through the social security contributions and tax which they pay in that State by virtue of their employment or residence there.

At the same time, the rules ensure that the free movement of workers does not undermine the financial sustainability of national social security schemes.

For example, to avoid disproportionate burdens, the CJEU held that Member States can require economically non-active citizens residing in their territory to pay a proportionate fee when joining the national sickness insurance scheme of the host State ⁽²⁾.

The Commission is not considering additional measures against any abusive or disproportionate use of family benefits as it is the responsibility of Member States to ensure that the rules on social security are correctly implemented and followed.

⁽¹⁾ Article 11 of Regulation (EC) No 883/2004 <https://eur-lex.europa.eu/eli/reg/2004/883/oj/eng>.

⁽²⁾ Judgment of 15 July 2021, Case C-535/19, A, EU:C:2021:595 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62019CJ0535>.