



SOCIAL SECURITY COVER IN OTHER EU MEMBER STATES

The coordination of social security facilitates the free movement of people within the EU. A fundamental reform of legislation in this area was carried out in 2010 and was supplemented by further legal acts improving the protection of mobile workers' rights. In 2016, the Commission included proposals in the Labour Mobility Package to further reform the system and adapt it to modern economic and social realities in the EU.

LEGAL BASIS

Articles 48 and 352 of the [Treaty on the Functioning of the European Union \(TFEU\)](#).

OBJECTIVES

The basic principle enshrined in the Treaty of Rome is the removal of obstacles to the free movement of persons between the Member States [\(2.1.5\)](#). To achieve this, social security measures must ensure that EU citizens working and residing in a Member State other than their own do not lose some or all of their social security rights.

A. The four main principles.

Each Member State remains free to design its social security system independently. The coordination regulation determines under which country's system an EU citizen is insured where two or more countries are involved. Generally, social security cover is provided by the country of employment or, in the absence of employment, by the country of residence. The regulation relies on four main principles:

1. Equal treatment (Articles 4, 5)

Workers and self-employed persons from other Member States have the same rights and obligations as the host state's own nationals. The right to equal treatment applies unconditionally to any worker or self-employed person from another Member State who has resided in the host state for a certain period of time. Additionally, if in a Member State legal effects are attributed to certain situations (e.g. being married) or events (e.g. having had an accident) or being in receipt of social security benefits (e.g. people drawing unemployment benefits are also entitled to a tax break), that Member State has to take account of such facts or events, or receipt of equivalent benefits, occurring in another Member State.

2. Aggregation (Article 6)

This principle guarantees that previous periods of insurance, work or residence in other countries are taken into account in the calculation of benefits. If, for example, national legislation requires a worker to have been insured or employed for a certain period of time before they are entitled to certain benefits, the aggregation principle means that the competent Member State must take account of periods of insurance and employment completed in another Member State.

3. Principle of single applicable law (Articles 10, 11(1))

This principle prevents anyone from obtaining undue advantage from the right to free movement. Each beneficiary is covered by the legislation of one country only, and pays contributions in that country only.

4. Exportability (Article 7)

This principle means that social security benefits can be paid throughout the Union, and prohibits Member States from reserving payment for people resident in the country. However, this does not apply to all social security benefits; special rules apply, for instance, to unemployment benefits.

B. Benefits covered

Article 3 of [Regulation \(EC\) No 883/2004](#) lists the social security benefits covered:



TRIBUNAL

Pruebas selectivas para el ingreso en el Cuerpo Superior de Técnicos de la Administración de la Seguridad Social. Resolución de la Subsecretaría de 24 de marzo de 2022, (BOE 05/04/2022)

- Sickness, maternity and equivalent paternity benefits, but not means-tested social and medical assistance as these do not depend on previous contributions to the social security system;
- Old-age, survivor's and invalidity benefits;
- Benefits in respect of accidents at work and occupational diseases;
- Death grants;
- Pre-retirement benefits, unemployment benefits, family benefits;
- Special non-contributory cash benefits which are not exportable.