

Social security coordination: Commission takes Spain to the European Court of Justice for discriminating EU pensioners

The Commission has decided to take Spain to the European Court of Justice for refusing EU pensioners access to free medication while temporarily residing in Spain. Further to receiving Spain's reply to the Commission's reasoned opinion ([IP/09/295](#)), the Commission takes the view that Spanish rules are not in line with EU law as they discriminate against pensioners from other EU Member States.

Under EU social security legislation ([Regulation 883/2004](#)), pensioners temporarily residing in another Member State can make use of their European Health Insurance Card (EHIC) to receive necessary healthcare under the same conditions as pensioners insured under the sickness insurance scheme of the visiting Member State. Under Spanish law, pensioners can get medication for free which is why pensioners from other EU Member States should equally have an access to free medication when temporarily residing in Spain.

The Spanish authorities however, refuse free medication to EU pensioners because the European Health Insurance Card does not indicate that they are pensioners. Spain requires EU pensioners to present a supplementary document issued by their national social security services certifying in the Spanish language that he or she is in receipt of a state pension.

In the Commission's view, the refusal of the Spanish authorities is contrary to the above mentioned provisions and discriminates EU pensioners temporarily residing in Spain. Moreover, the requirement to present such a supplementary document is contrary to the purpose of the European Health Insurance Card, which aims at simplifying procedures and reducing red tape for insured persons when they need health care during a temporary stay in another Member State.

Background

The European Health Insurance Card has been gradually introduced in 31 European countries (EEA and Switzerland) since 1 June 2004. Each insured person in EU has right to receive free of charge from his/her health insurance institution an EHIC. The Card constitutes the proof of its holder's entitlement to necessary healthcare during a temporary stay abroad. It ensures that the card holder will get the same access to public sector health care (e.g. a doctor, a pharmacy, a hospital or a health care centre) as nationals of the country he/she is visiting. It simplifies procedures and cuts red tape for getting medical care during a temporary stay abroad in one of the above mentioned countries, be it for travelling, for work or for studies.

Although individual Member States are responsible for the distribution of the EHIC and issue it in their national language, the card shares a common design. So it is easily recognisable for medical staff, even if they do not speak the same language. Today more than 186 million EU citizens dispose of a EHIC.

For more information on the European Health Insurance Card: www.ehic.europa.eu

Further information

For more information on the infringement procedures:

http://ec.europa.eu/eu_law/infringements/infringements_en.htm

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For more information on EU infringement procedures, see [MEMO/11/86](#).