

## **Free movement of workers: Commission requests UK to end discrimination on other nationals' right to reside as workers**

*The European Commission has requested the United Kingdom to end discriminatory conditions on the right to reside as a worker which exclude from certain social benefits nationals from eight of the ten Member States (Czech Republic, Hungary, Slovakia, Slovenia, Latvia, Lithuania, Estonia, Poland) that joined the EU in 2004. The Commission considers the discriminatory rules to be in breach of transitional arrangements on free movement of workers, as well as the obligation to ensure equal treatment on the basis of nationality. The request takes the form of a 'reasoned opinion' under EU infringement procedures. The United Kingdom has two months to bring its legislation into line with EU law. Otherwise, the Commission may decide to refer the UK to the EU's Court of Justice.*

According to the UK Worker Registration Scheme, nationals from the Czech Republic, Hungary, Slovakia, Slovenia, Latvia, Lithuania, Estonia and Poland who stop work before completing one year with an authorised employer do not have the right to reside as a worker. This right to reside is one of the conditions of UK legislation to qualify for Housing Benefit, Council Tax Benefit, Crisis Loans, and allocation of social housing and provision of homelessness assistance. Without this right to reside ('Right to Reside Test') nationals from the above-mentioned Member States are currently excluded from receiving these benefits. The Commission considers that this is contrary to the transitional arrangements on the free movement of workers which allow the United Kingdom to restrict nationals from the above-mentioned Member States the right to move to the UK to work until the end of April 2011. These transitional arrangements allow the UK to restrict the right to reside as workers under certain conditions but they do not allow discrimination when paying benefits.

### **Further information**

Free movement of workers: <http://ec.europa.eu/social/main.jsp?catId=26&langId=en>

Transitional arrangements: <http://ec.europa.eu/social/main.jsp?catId=466&langId=en>

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For more information on EU infringement procedures, see [MEMO/10/530](#).