



## EUROPEAN COMMISSION - PRESS RELEASE

### **Social security: Commission requests Italy to pay family benefits to cross-border workers**

Brussels, 27 October 2011 – The European Commission has requested Italy to comply with its obligations under EU law to pay certain family allowances given by the region of Trentino-Alto Adige and the province of Bolzano to people working there but living in Austria. The current refusal of the Italian authorities to pay these allowances to the workers is based on the fact that the workers do not reside in Trentino – Alto Adige or Bolzano.

According to EU law, cross-border workers (persons who work in one Member State but reside in another to which they return daily or at least once a week) are covered by the social security system of the country where they work and not by the system of the country where they reside. Italy's current residence conditions for family allowances are therefore an obstacle to the free movement of workers.

The Commission's request takes the form of a 'reasoned opinion' under EU infringement procedures. If Italy does not bring its legislation into line with EU law within two months, the Commission may decide to refer Italy to the EU's Court of Justice.

## Background

The Italian Government maintains that the provincial and regional family allowances fall under the notion of "social assistance" and are therefore not covered by EU rules, which refer only to "social security". However, the case law of the EU's Court of Justice makes clear that a benefit may be regarded as "social security" when it is granted without any individual assessment of personal needs.

In this specific case, the benefits take the form of financial support for raising a child so they are automatically granted to persons having a child, without evaluating their individual situation. In the Commission's view, and in line with previous EU Court case law, these allowances are "social security" benefits and are therefore covered by EU rules on social security coordination.

## Further information

EU Social Security Coordination:

<http://ec.europa.eu/social/main.jsp?langId=en&catId=849>

For more information on EU infringement procedures: [MEMO/11/739](#)

[http://ec.europa.eu/eu\\_law/infringements/infringements\\_en.htm](http://ec.europa.eu/eu_law/infringements/infringements_en.htm)

Subscribe to the European Commission's free e-mail newsletter on employment, social affairs and equal opportunities: <http://ec.europa.eu/social/e-newsletter>

Contacts :

[Cristina Arigho](#) (+32 2 298 53 99)

[Maria Javorova](#) (+32 2 299 89 03)