

**Question for written answer E-016127/2015  
to the Commission**

Rule 130

**Joëlle Mélin (ENF) and Marie-Christine Arnautu (ENF)**

Subject: Granting of benefits to the unemployed

While the Dano judgment ruled that a Member State could refuse benefits to economically inactive EU citizens who are exercising their right to freedom of movement for the sole purposes of claiming welfare in another Member State, without having sufficient funds to claim the right of residence, the Court of Justice of the European Union recently supplemented the case law by extending this potential ban to those who had previously been working (judgment of 15 September 2015 in case C67/14, Alimanovic).

The Court has thereby made Directive 2004/38/EC take precedence over Regulation (EC) No 883/2004, making it possible to render workers who no longer meet the requirements for the right of residence ineligible for benefits.

Can the Commission state what consequences it hopes these different judgments will have? Does it intend to review the principle of the primacy of equal treatment over the conditions laid down by Directive 2004/38/EC on the right of residence?