

European Commission Issues Letter of Formal Notice to Greece for Failure to Comply with EU rules on Social Security Coordination

16 November 2023

Report from Angelika Xygka, Associate, IBFD

On 16 November 2023, the European Commission [announced](#) that it had decided to open an infringement procedure by sending a letter of formal notice to Greece for failing to comply with the EU rules on social security coordination provided by the [Social Security Regulation \(2004/883\)](#), the free movement of workers under article 45 of the [Treaty on the Functioning of the European Union \(TFEU\)](#) and the [Regulation on freedom of movement for workers \(2011/492\)](#).

As per the applicable Greek legislation, only EU nationals who have been residing (together with their children) in Greece for at least 5 years are eligible for family benefits. By contrast, non-EU nationals who are covered by the EU social security rules can only apply for family benefits after having resided in Greece for at least 12 years. According to the European Commission, the aforementioned difference in treatment breaches EU law and constitutes a discrimination (as it does not treat EU citizens equally). Moreover, the European Commission noted that the [Social Security Regulation \(2004/883\)](#) prohibits any residence requirements for receiving social security benefits such as family allowances.

In terms of next steps, Greece has 2 months to consider the comments raised by the European Commission. Otherwise, the European Commission may decide to send a reasoned opinion.