

# European Commission Calls on Italy to Comply with EU Rules on Social Security Coordination

17 November 2023

Report from Giulia Gallo, Senior Associate, IBFD

The European Commission announced on 16 November 2023 that it had decided to send a reasoned opinion to Italy for failing to comply with the EU rules on social security coordination provided by the [Social Security Regulation \(2004/883\)](#) and the free movement of workers provided by article 45 of the [Treaty on the Functioning of the European Union \(TFEU\)](#) and the [Regulation on freedom of movement for workers \(2011/492\)](#) (Case Number INFR(2022)4113).

According to the European Commission, legislation granting family allowances for dependent children only to people residing for at least 2 years in Italy and living in the same household as their children breaches EU law and qualifies as a discrimination, as it does not treat EU citizens equally. In addition, the European Commission noted that the [Social Security Regulation \(2004/883\)](#) prohibits any residence requirements for receiving social security benefits such as family allowances.

The reasoned opinion follows a letter of formal notice sent to Italy in February 2023 (see [European Commission Issues Letter of Formal Notice to Italy for Failure to Comply with EU Rules on Social Security Coordination \(16 February 2023\)](#)). Italy replied to this letter in June 2023, but the European Commission considers that the reply does not satisfactorily address its concerns. Italy has 2 months to respond and take the necessary measures, or the European Commission may decide to refer the case to the Court of Justice of the European Union (ECJ).