
European Commission: Italy referred to the Court of Justice of the European Union over family allowance, “it fails to uphold the rights of mobile workers”

Italy has been referred to the Court of Justice of the European Union over the family allowance for dependent children ('Assegno unico e universale per i figli a carico') introduced in March 2022, because it leaves out those workers who have not resided in Italy for at least 2 years or whose children do not reside in Italy. This was said earlier today in a statement by the European Commission that explains it as “failing to uphold the rights of mobile workers from other EU Member States as regards family benefits granted to them”. The EU Commission’s decision has been prompted by the fact that the Italian measure is a “discrimination and breaches EU law on social security coordination and on the free movement of workers”, which is protected by the EU regulations. Actually, the statement goes on, “one of the fundamental principles of the EU is that people are treated equally without any distinction based on nationality”. So, even workers who work in Italy but do not reside there or who have recently moved to Italy are entitled to receive the same social security benefits. In addition, according to the regulation on social security coordination, there is “the principle of export of benefits”, so that residence requirements are prohibited for receiving social security benefits such as family benefits. The European Commission had already asked Italy for explanations in February 2023, but the reasoned opinion sent from Rome in November 2023 “did not sufficiently address the Commission's concerns”. Hence today’s decision to refer the case to the Court of Justice of the European Union.

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