

SUMMARY

ECJ 5 March 2026, Case C-151/24 (Istituto nazionale della previdenza sociale – v - V.M.)

Instituto nazionale della previdenza sociale – v - V.M. , Italian case

Summary

Article 12(1)(e) of Directive 2011/98 does not apply to special non-contributory cash benefits under Article 70 of Regulation No 883/2004 and does not preclude national legislation requiring third-country nationals to hold EU long-term resident status to receive such benefit.

Questions

1. Is Article 12(1)(e) of Directive 2011/98 (on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State), giving specific expression to the protection of the entitlement to social security benefits provided for in Article 34(1) and (2) of the Charter of Fundamental Rights of the European Union, to be interpreted as meaning that it covers assistance such as the social allowance (a special non-contributory cash benefit) under national (pension) law, and does EU law therefore preclude national legislation which fails to extend to foreign nationals holding a single permit the assistance already granted to foreign nationals on condition that they hold the EU residence permit for long-term residents?

Ruling

1. Article 12(1)(e) of Directive 2011/98 must be interpreted as meaning that it does not apply to a social allowance within the meaning of Article 70 of Regulation No 883/2004 (on the coordination of social security systems, as amended by Regulation No 988/2009), and, therefore, that it does not preclude national legislation which makes the grant of such a

benefit to the third-country nationals, in the form of a social allowance intended for persons aged 65 and over who are experiencing economic hardship and have limited capacity to work due to their age, subject to the condition that they hold an EU residence permit for long-term residents.

Creator: Hof van Justitie van de Europese Unie

Verdict at: 2026-03-05

Case number: C-151/24