



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE AND CONSUMERS

Directorate D: Equality and Union citizenship  
**Unit D.3: Union citizenship rights and free movement**

Brussels  
JUST.D.3/JM/ms (2022)740686s

(Mr) Dr 'Leszek' Leslie Raymond  
Sachs,  
Louizalaan 150 bus 16,  
1050 Brussels

Email: l.sachs@inbox.eu

Dear Dr Sachs,

I refer to your email of 12 January 2022 to Commissioner Dalli, registered under Ares(2022)210656 (*please quote this reference in any future correspondence*), as well as your related emails of 9 January 2022 and 13 January 2022 to Commissioner Reynders, registered under Ares(2022)158910 in which you explain that you are a Polish citizen registered in Belgium for over 10 months but you believe that you are being denied access to the Belgian national health insurance system due to corruption in the Belgian government. You refer to the Court of Justice judgment of 15 July 2021 in Case C-535/19 – A (*Soins de santé publics*).

I have been asked to reply to you in my capacity as deputy head of the unit 'Union citizenship rights and free movement'.

Please be informed that the European Union (EU) law in the field of social security provides for the co-ordination and not the harmonisation of the Member States' national social security systems. This means that each Member State is free to determine the details of its own social security system, including which benefits are provided, the conditions for eligibility, how these benefits are calculated and what contributions should be paid. The law of the EU, in particular Regulation (EC) No 883/2004 on the coordination of social security systems, establishes common rules and principles, which must be observed by all national authorities when applying national law. These rules ensure that the application of the different national legislation respects the basic principles of equality of treatment and non-discrimination. By doing so, it is ensured that the application of the different national legislation does not adversely affect persons exercising their right to free movement within the EU.

In this view, in order to be registered with the Belgian healthcare system as a Belgian resident, you have to comply with all the conditions laid down by the Belgian legislation. From the information provided in your emails, it is not clear why your request has been refused. Moreover, it is also important to stress that each Member State is free to determine the rules relating to the administrative procedures, in particular as regards the time limits for processing individual applications. Finally, please note that the Commission is only competent to act where there is evidence of a breach of EU law. As there is no such evidence in this case, we cannot take any further action on your behalf.

It is national courts and administrative bodies that are primarily responsible for ensuring that the authorities of the Member States comply with European Union law. Only national courts can issue a warrant directing an administrative body, to for example reverse a decision of the national

authorities and/or award damages for a failure to comply with European Union law by a Member State's administration.

I trust that this is of assistance to you.

Yours sincerely,

*(e-signed)*

Monika MOSSHAMMER  
Deputy Head of Unit