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Ministry of Labour, Social Affairs and Family of the Slovak Republic

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Determining the applicable legislation

Fundamental principles of the EU include the free movement of persons and workers, when a person may reside in one Member State and carry out work in another Member State or in more than one Member State, which also affects the area of social security. Under the provisions of Regulation (EC) No 883/2004 on the coordination of social security systems, the basic principle is that the social security legislation of just one Member State applies to a person at a particular time, thus social security contributions or insurance are payable by the person in only one Member State.

The legislation of the State which applies to the person is determined by the social security institutions and the person cannot choose which legislation will apply to them. The determined applicable legislation applies to the whole area of social security, that is, social insurance and health insurance. The applicability of the Slovak social security system is confirmed by the portable document A1 issued by the Slovak Social Insurance Agency.

A valid working tool to assist institutions, employers and citizens in the given area to determine which Member State's legislation applies in the given circumstances is the [Practical guide to applicable legislation in the European Union, the EEA and Switzerland](#).

The individual situations of persons are assessed on the basis of the **general and special rules** laid down in Title II of Regulation No 883/2004. Title II – Articles 11 to 16 of Regulation (EC) No 883/04 contain provisions determining the rules for determining the legislation applicable when a person is employed, self-employed or economically inactive. The rules laid down by the Regulation are exclusive, binding and superior to national legislation – both for the payment of insurance contributions and for the provision of benefits.

Under the provisions of the Regulation, **the general rule** applies that persons pursuing an activity as an employed or self-employed person in a Member State are subject to the social security legislation of the Member State in which they pursue their gainful activity, the so-called lex loci laboris rule (Article 11(3)(a) of Regulation No 883/2004).

Economically inactive persons and pensioners are subject to the legislation of the Member State of residence (Article 11(3)(e) of Regulation 883/2004).