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COMMENTARY
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**Family benefits under the coordination
of social security systems in the EU: equal benefits
for local and non-resident workers – a gloss
to the Judgment of the Court
of Justice of 16 June 2022. C-328/20**

**Świadczenia rodzinne w ramach koordynacji
systemów zabezpieczenia społecznego w UE: równe świadczenia dla
pracowników lokalnych i pracowników przyjezdnych –
glosa do wyroku Trybunału Sprawiedliwości
z dnia 16 czerwca 2022 r. w sprawie C-328/20**

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Abstract: This publication discusses the CJEU ruling, which stated that the mechanism allowing for the adjustment of family allowances and tax credits granted by the Republic of Austria to workers, based on the country of residence of their children, constitutes unjustified indirect discrimination on the grounds of the nationality of migrant workers and is contrary to EU law. The CJEU ruling relates to social rights and the rights of migrants in the context of EU law, emphasizing the importance of equal treatment for migrant workers regarding social benefits, irrespective of the place of residence of their children. The publication employs a legal analysis of the CJEU ruling, taking into account the legal and social context in which it was issued. A critical analysis of the literature concerning social rights and the rights of migrant workers in the EU was also conducted. The analysis of the CJEU ruling revealed that the mechanism for adjusting family allowances and tax credits in Austria is

inconsistent with the principle of non-discrimination on the grounds of nationality, which is a fundamental principle of EU law.

Keywords: coordination of social security systems, freedom of movement for workers, family benefits, social and tax advantages

Abstrakt: W niniejszej publikacji omówiono orzeczenie TSUE, w którym stwierdzono, że mechanizm pozwalający na dostosowanie zasiłków rodzinnych i ulg podatkowych przyznanych przez Republikę Austrii pracownikom w zależności od państwa zamieszkania ich dzieci stanowi nieuzasadnioną dyskryminację pośrednią ze względu na przynależność państwową pracowników migrujących i jest sprzeczny z prawem UE. Orzeczenie TSUE odnosi się do praw socjalnych i praw migrantów w kontekście prawa UE, podkreślając znaczenie równego traktowania pracowników migrujących w zakresie świadczeń socjalnych, niezależnie od miejsca zamieszkania ich dzieci. W publikacji zastosowano analizę prawną orzeczenia TSUE, uwzględniając kontekst prawny i społeczny, w którym zostało wydane. Przeprowadzono również analizę krytyczną literatury dotyczącej praw socjalnych i praw pracowników migrujących w UE. Analiza orzeczenia TSUE wykazała, że mechanizm dostosowania zasiłków rodzinnych i ulg podatkowych w Austrii jest sprzeczny z zasadą niedyskryminacji ze względu na przynależność państwową, która jest podstawową zasadą prawa UE.

Słowa kluczowe: koordynacja systemów zabezpieczenia społecznego, swobodny przepływ pracowników, świadczenia rodzinne, przywileje socjalne i podatkowe

1. Introduction

The right to move and work in another EU country is one of the fundamental rights of all EU citizens and a cornerstone of the single market. This freedom ensures that individuals can seek employment and live in any Member State without facing discrimination based on nationality, thus promoting equal treatment. However, freedom of movement would not be possible without EU rules on the coordination of social security systems, which play a crucial role in safeguarding social rights and ensuring that workers and their families have access to social benefits and protections irrespective of the Member State in which they reside.

For more detailed information on this topic, see, among others: *Social Rights, Labour Rights, and Migrant Rights in the EU: Intersections and Challenges* (Cacoullos, 2020), *Migration and the Rights of Workers in the European Union: Law and Policy Perspectives* (Harris 2019), *EU Social and Employment Law 2E* (Watson, 2014) and *European Union Treaties. Treaty of the European Union. Treaty on the Functioning of the European Union. Charter of Fundamental Rights of European Union. A Commentary* (Rudolf Geiger, 2015). These works thoroughly discuss the complex relationships between social rights, labour rights,

and migrant rights in the European Union, as well as the challenges these rights face in the context of European integration and migration policy. The author analyses how the EU's legal provisions affect the lives of citizens and migrants, and the political and social implications of these regulations.

For many years, the EU has held a framework for the coordination of its Member States' social security schemes to facilitate job mobility. Coordination is intended to ensure that all EU citizens and third-country nationals living in the EU have fair access to social security regardless of the country in which they live. Since then, coordination law has evolved in line with deepening European integration and EU enlargements.

Currently, the coordination provisions are contained in Regulation (EC) No. 883/2004 and its implementing Regulation (EC) No. 987/2009.

The CJEU judgment in case c-328/20 was criticised by F. Vigo Serralvo in the publication *Controversiaentorno a la indexación de las prestacionesfamiliaressegúnelpaís de residencia del causante*. This article addresses the debate in EU institutions on a possible national indexation mechanism for family benefits according to the country of residence of the person responsible for them. (Vigo Serralvo 2022)

The following ruling was also the subject of discussions by (Melin, 2022).

The Austrian federal government announced changes to child benefits in 2019. In practice, this is primarily the family allowance abroad, which increases in some countries but decreases in others. In Austria, the so-called indexation was already undertaken in October 2018. Its aim is that family allowance is measured by purchasing power in the countries where the money is sent. This means that there are countries where the purchasing power is high and countries where purchasing power is low. If the purchasing power is low overall, the child benefit in these countries will also be significantly reduced. The ruling intersects strands related to social rights and migrants' rights, illustrating the extremely important principle of EU law, namely the principle of fairness and equal treatment. Migrant workers, who pay national insurance contributions like local workers, should receive the same benefits, including when their children live abroad.

Consequently, the author posed the following research questions:

1. What legal arguments were presented in the CJEU ruling regarding the discrimination of migrant workers?
2. How does the CJEU ruling relate to social rights and the rights of migrants in the European Union?
3. What are the consequences of the CJEU ruling for the family allowance system in Austria?

The publication employs a legal analysis of the CJEU ruling, taking into account the legal and social context in which it was issued. Additionally, a critical review of the literature concerning social rights and the rights of migrant workers in the EU was conducted.

The analysis of the CJEU ruling demonstrated that the mechanism for adjusting family allowances and tax credits in Austria violates the principle of non-discrimination based on nationality. Furthermore, the ruling emphasises the importance of equal treatment of migrant workers in relation to social benefits, regardless of the place of residence of their children.

In the following section, the facts of the case are presented first, followed by the legal basis on which the CJEU based its decision. The next section is devoted to the presentation of the theses of the judgment together with its relevant reasoning and commentary proposed by the author. The paper ends with conclusions.

2. Facts

On 25 January 2019, the European Commission invited the Republic of Austria to comment on the Commission's concerns. These concerns related to the effective date of 1 January 2019 for the adjustment mechanism that had resulted from the changes made to §8a FLAG and §33 EStG by the Annual Tax Act 2018 and the Federal Act of 4 December 2018 (hereinafter referred to as the 'adjustment mechanism'). The Commission considered that this mechanism for adjusting family allowances and social and tax credits granted by Austria to workers with children depends on the price levels in the Member State where the children are resident on the permanent basis. This is in conflict with Articles 7 and 67 of Regulation No. 883/2004. According to these provisions, cash benefits cannot be reduced because a family member, such as a child, resides in another Member State. Furthermore, the Commission viewed that the adjustment mechanism does not generally apply to Austrian workers but to workers from other Member States. This constitutes indirect discrimination and is contrary to the principle of equal treatment laid down in Article 4 of Regulation No. 883/2004 and Article 7 of Regulation No. 492/2011.

On 25 March 2019, The Republic of Austria replied to the Commission that Article 67 of Regulation No. 883/2004 allows family allowances to be adapted according to the place of abode of the child. The respondent Member State raised first of all that Union law itself provides for comparable mechanisms. It then pointed out that Article 67 of that regulation does not require the amount of benefits paid for children resident in another Member State to correspond to the amount paid for children resident in Austria. Lastly, it argued that there

is no indirect discrimination because adjusting family benefits and social and tax advantages according to the price level in the territory of the State where the child resides is objectively justified and reduces the burden on all workers. (European Commission v Republic of Austria 2022)

In accordance with Austrian legislation, as of 1 January 2019, Austria adjusts the flat-rate family allowance for employees. This applies to employees whose children reside permanently in another Member State. It also includes children living in a state party to the Agreement on the European Economic Area or in Switzerland. The amount of the allowance and the benefits depends on the general price level in the Member States concerned.

The adjustment of the family allowance and dependent child allowance was introduced with effect from 1 January 2019. This was established by the Decree of the Federal Minister for Women, Family and Youth and the Federal Minister for Finance on the adjustment of family allowance and dependent child allowance in respect of children residing permanently in another Member State of the EU, another party to the EEA Agreement, or Switzerland. The decree was issued on 10 December 2018 (BGBl. II, 318/2018) and was adopted based on the Federal Law amending the Family Burden Equalisation Act 1967, the Income Tax Act 1988, and the Development Workers Act.

The adjustment of the additional family bonus, the tax credit for a sole householder, the tax credit for a single parent, and the tax credit for maintenance payments was also introduced with effect from 1 January 2019. This was established by the Ordinance of the Federal Minister of Finance on the adjustment of the additional family bonus, the sole earner allowance, the single parent allowance, and the maintenance allowance for children residing in another Member State of the EU, another party to the EEA Agreement, or Switzerland. The ordinance was issued on 27 December 2018 (BGBl. II, 257/2018).

The Commission (supported by the Czech Republic, Croatia, Poland, Romania, Slovenia, Slovakia and the EFTA Surveillance Authority) asked the Court of Justice to declare that Austria (supported by Denmark and Norway) had failed to fulfil its obligations, pointing out that the alignment introduced and the resulting unequal treatment in relation to national citizens experienced in particular by migrant workers, is contrary to EU law.

In this case, the Court consulted the Advocate General. Jean Richard de La Tour suggested the Court to uphold the Commission's complaint.

In the Advocate General's view, the option for a Member State to enter into its legislation an exception to the principle of the absolute equivalence of the amount of family allowances, which is based on the assumption that this requirement should only be satisfied in relation to the value of the benefits, cannot be accepted.

The possibility for a Member State to introduce into its legislation an exception to the principle of absolute equivalence of the amount of family allowances cannot be accepted. That exception is based on the assumption that that requirement must be met only in respect of the value of the benefits, in accordance with the objective pursued by the national legislature of compensating for the family's living costs.

He recalled in this context that the EU system of coordination of social security schemes is based on the general concept that if a migrant worker pays social security contributions and taxes in a particular Member State, he/she should be able to enjoy the same benefits as national citizens.

Furthermore, in the opinion of the Advocate General, the benefits at issue are paid uniformly throughout the Austrian territory, irrespective of differences in price levels in Austria (according to the information provided by the Commission) and that the actual expenses related to the specific needs of the child are not taken into account. Austria has not put forward any reason that could justify such indirect discrimination and it is therefore incompatible with Union law.

The Advocate General noted in particular that, according to a report by the Austrian Court of Auditors, the factor that could jeopardise the financial equilibrium of the social security system is not the payment of benefits to employees whose children reside outside Austria, which accounts for approximately 6% of expenditure on family benefits, but the lack of adequate control over the granting of these benefits. (Opinion of Advocate General Richard de la Tour 2022)

3. Subject of the gloss and the legal framework

The subject of the gloss is the judgment of the Court of Justice of the EU – Judgment of the Court of Justice of 16 June 2022. In case C-328/20, the judgment follows an action for failure to fulfil obligations under Article 258 TFEU brought on 22 July 2020.

The judgment concerns Austrian legislation which, taking effect from 1 January 2019, has introduced an upward or downward adjustment of certain family benefits, as well as social and fiscal advantages, to the general price level in the Member State of residence of the children for whom such benefits are granted. This was to be calculated on the basis of the coefficient between the comparable price level published by Eurostat for each Member State of the Union and the corresponding level in the Republic of Austria. Such an arrangement was in breach of Articles 7 and 67 of Regulation No. 883/2004 and in breach of the principle of equal treatment laid down in Article 4 of Regulation No. 883/2004 and in Article 7(2) of Regulation No. 492/2011.

The CJEU, in its judgment in Case C-328/20 of 16 June 2022, ruled that child benefit and the tax credit for dependent children are family benefits under the Regulation on the coordination of social security systems and cannot be reduced or modified based on the residence of the beneficiary or their family members in another Member State. The Court found that the Austrian legislation, which adjusts family benefits according to the State of residence of the children, is incompatible with this regulation. This adjustment mechanism constitutes indirect discrimination based on nationality, which is unjustified. The Court emphasized that migrant workers contribute to and finance family allowances and tax advantages in the same way as national workers, regardless of their children's place of residence. (European Commission v Republic of Austria 2022)

The judgment stated that the Member State of the Republic of Austria has failed to fulfil its obligations under Articles 4 and 67 of Regulation No. 883/2004 and Article 7(2) of Regulation No. 492/2011 and Article 7(2) of Regulation No. 492/2011.

Under Union legal rules provided by Regulation No. 883/2004, family benefits, such as Austrian child benefits and the tax credit for a dependent child, may not be subject to any reduction or modification on the ground that the members of the family of a worker entitled thereto reside in another Member State. Determining the amount of these benefits based on the place of residence of family members constitutes an infringement of the right to free movement guaranteed to citizens of the Union.

4. Comment

The Court first had to decide whether the Austrian benefits at issue in the present case constitute 'family benefits' within the meaning of Article 1(z) of Regulation No. 883/2004. According to Article 3(1)(j) of the said Regulation, it applies to all legislation relating to branches of social security which concern family benefits. Therefore, Austrian benefits constitute family benefits, as this expression means any benefit in kind or in cash intended to meet family expenses, with the exception of advances of maintenance payments and special childbirth and adoption benefits mentioned in Annex I of the said Regulation.

In this regard, the Court points out that the expression 'compensating the costs of maintaining the family' must be understood as referring to a public contribution to the family budget aimed at reducing the burden of maintaining children. (Caisse pour l'avenir des enfants. Request for a preliminary ruling from the Conseil supérieur de la Sécurité sociale (Luxembourg) 2020).

The consequence of accepting that the benefits in question count as family benefits is that they are subject to the general principle expressed in Article 7

of Regulation No. 883/2004, entitled «Waiving of residence clauses». In my opinion, this concerns in particular the amount of cash benefits, since, according to the article cited, these benefits are not subject to reduction or amendment on account of the fact that the beneficiary or members of his/her family reside in a Member State other than that in which the institution responsible for paying them is situated.

This rule refers to the principle of portability of social security benefits laid down in point (b) of the first paragraph of Article 48 TFEU. Determining the amount of these allowances according to the place of residence of the family members therefore violates the right of free movement guaranteed to citizens of the Union. (*Caisse pour l'avenir des enfants. Request for a preliminary ruling from the Conseil supérieur de la Sécurité sociale (Luxembourg) 2020*)

This rule echoes also the principle of the exportability of benefits from the provisions of Article 7 in conjunction with Article 67 of Regulation No. 883/2004, which have the same objective. They prohibit Member States from making granting of family benefits or determination of their amount dependent on whether the worker's family members reside in the Member State paying the benefit. (*Tiroler Gebietskrankenkasse v Michael Moser. Request for a preliminary ruling from the Oberster Gerichtshof 2019*)

In the judgment under consideration, the Court rightly mentioned that Article 67 of Regulation No. 883/2004 establishes the rule that a person may request family benefits in favour of family members who reside in a Member State other than the one competent to pay those benefits as if they were resident in the latter. (*Bundesagentur für Arbeit – Familienkasse Sachsen v Tomislaw Trapkowski. Request for a preliminary ruling from the Bundesfinanzhof 2015*).

The employee is entitled to family benefits in accordance with the legislation of the competent Member State (Article 67 of Regulation 883/2004), i.e. the legislation of the State of the place of activity as an employed person (Article 11(3a) of Regulation 883/2004). According to Article 60(1) of the Regulation 987/2009 laying down the procedure for implementing Regulation 883/2004, the application for family benefits shall be addressed to the competent institution.

The principle expressed in Article 67 of Regulation No. 883/2004 is inextricably linked to the principle expressed in Article 7 of the said Regulation, so that a breach of one of these principles results in a breach of the other.

In this judgment, the Court emphasised that Article 67 of Regulation No. 883/2004 must be interpreted as requiring strict equivalence between the amounts of family benefits paid by a Member State to workers whose family members reside in that Member State and to workers whose family members reside in another Member State. Given the foregoing, I believe that the argu-

ment presented by the Republic of Austria that differences in the purchasing power between Member States justify the possibility for a Member State to pay benefits to the latter category of persons in an amount different from that granted to the former category cannot be accepted.

As regards family allowances and tax benefits in general, which are the subject of the Commission's complaint, Union law prohibits any discrimination in the field of social security based on the nationality of migrant workers. However, the adaptation mechanism at issue, which only applies if the child resides outside Austrian territory, primarily affects migrant workers because it is more likely that it is their children who live in another Member State. Furthermore, as the vast majority of migrant workers covered by this mechanism come from Member States where the cost of living is lower than in Austria, they receive family benefits and social and tax privileges at a lower rate than Austrian citizens. Consequently, the adjustment mechanism in question constitutes indirect discrimination based on nationality, which is by no means justified. Migrant workers participate in the same way as native workers in the determination and financing of the contributions from which these family allowances and tax privileges are then paid, without taking into account the place of residence of the children of these workers.

Art. 67 of Regulation No. 883/2004 establishes the fiction that a person may claim family benefits for his family members living in a Member State other than the competent State for the payment of those benefits as if they were residing in the first Member State. Considering that migrant workers should be able to benefit from the social policies of the host Member State under the same conditions as domestic workers, in so far as they participate in the financing of such policies through the taxes and social security contributions which they pay in that State by reason of their activity as employed persons there. The Member States may not, without infringing the said Regulation, adjust family benefits according to the State of residence of the children of the worker entitled thereto.

In the case at hand, the Republic of Austria adjusted the family allowances according to the country of residence of the children of the beneficiaries by introducing new regulations. The adjustment mechanism only concerns children living outside Austrian territory and is dependent on the price level and purchasing power in the children's place of residence. By contrast, the adjustment mechanism does not apply to family allowances paid to children living in different regions of Austria, although there are price level differences between those regions that are comparable to the price levels of the Republic of Austria and other Member States.

Article 4 of Regulation No. 883/2004 and Article 7(2) of Regulation No. 492/2011 embody in their departments the principle of equal treatment specified in Article 45(2) TFEU, which protects employees against discrimination directly or indirectly on grounds of citizenship arising from the legislation of the Member States.

The Court of Justice of the European Union (CJEU) plays a crucial role in interpreting and enforcing the principle of equal treatment. Through its rulings, the CJEU clarifies the application of this principle in various contexts, reinforcing the rights of individuals within the EU. In this decision, the European Court repeatedly referred to its judgment in Case C-802/18 (*Caisse pour l'avenir des enfants*. Request for a preliminary ruling from the Conseil supérieur de la Sécurité sociale (Luxembourg) 2020) and the jurisprudence cited therein, underlining that family benefits and dependent child tax credit are both family benefits subject to the principle of equal treatment. Social benefits expressed in Article 4 of Regulation No. 883/2004 and the social advantages provided for in Article 7(2) of Regulation No. 492/2011. Indeed, the additional family allowance, single income household tax credit, single parent tax credit and child support tax credit reduce the amount of income tax. The beneficiary is presumed to be subject to taxation in Austria and these measures constitute tax advantages subject to the principle of equal treatment laid down in Article 7(2) of Regulation No. 492/2011.

According to Article 7(2) of Regulation No. 492/2011, an employee who is a citizen of a Member State has the same social and tax benefits on the territory of other Member States as domestic workers. This provision benefits both migrant workers living in the host Member State and frontier workers who, while doing paid work in that State, live in another Member State.

The Republic of Austria presented documents on the preparations for the adoption of the adjustment mechanism, which show that the Austrian Parliament tried to reduce the costs of the state budget. The legislator assumed that there are more recipients of family allowances and social and tax benefits whose children live in Member States with a lower price level than in Austria than those whose children live in Member States with a higher price level. It should be noted that the family allowances and social and tax benefits covered by the adjustment mechanism are not calculated based on the price level of the child's place of residence. Their lump sum is uniform throughout Austria, despite differences in purchasing power between different regions.

It should be pointed out, that possible discrimination can be justified by the desire to hedge against the risk of financial imbalance in the social security system if the risk is serious. It was therefore necessary to examine whether such a situation could arise in the present case.

The report of the Rechnungshof (Court of Auditors, Austria), published in July 2018, is entitled 'Familienbeihilfe – Ziele und Zielerreichung, Kosten und Kontrollsystem' ('Family allowances – objectives and their implementation, costs and control system', hereinafter referred to as the 'Court of Auditors report'). It shows that the state budget support for financing family allowances has become necessary due to the increase in lump sum payments. This increase has led to a reduction in the sources of funds for family allowances. Additionally, family allowances for children living in another Member State account for only about 6% of all payments. The impact of these subsidies on financing family allowances is mainly due to insufficient control of the conditions by the Austrian authorities.

The explanation of the Republic of Austria, that it had to react against the imbalance caused by the financial support of migrant workers, cannot be accepted. Workers from other Member States contributed to the financing of the Austrian social and tax system in the same way as Austrian workers, regardless of where their children lived.

It is important to recall that the European Court has already noted that Article 3(1) of Regulation No. 1408/71, which was worded essentially in the same way as Article 4 of Regulation No. 492/2011, was intended, in accordance with Article 39 EC, now Article 45 TFEU, to ensure equality in the field of social security for persons to whom the Regulation applies, irrespective of nationality, by abolishing any discrimination in this respect resulting from the national laws of Member States. (Reference for a preliminary ruling from the Nejvyšší správní úsoud (Czech Republic) – Marie Landtová v Česká správa sociálního zabezpečení 2011).

In the above-mentioned case, the adjustment mechanism changes the amount of family allowances and social allowances according to the price level of the children's place of residence. The mechanism is therefore only applied in the case of a child's residence outside Austria.

The implementation of the principle of equal treatment in the field of social insurance is guaranteed by the Union's regulation based mainly on the principle that only the relevant legislation of one Member State is valid in this field. This principle, as expressed in Article 11(1) of Regulation No. 883/2004, is to eliminate unequal treatment that would result from a partial or total overlap of the applicable rules for workers moving within the Union. According to Article 11(3) of this Regulation, a Member State must ensure equal treatment of all persons working on its territory: a person working as a salaried employee or self-employed is in principle subject to the legislation of that Member State and, according to Article 4 of this Regulation, they should receive there the same benefits as nationals of that Member State.

Family allowances in Austria are financed by employers, which are calculated based on the total salary of the workers they employ, so that the migrant worker participates in the determination of the amounts to be paid as well as the domestic employer without taking into account the residence of these employees' children. The same applies to the additional family allowances and other tax benefits covered by the adjustment mechanism, as these tax benefits are financed by tax on the employees' income tax, regardless of whether their children live in Austria or not.

In these circumstances – and as stated by the Advocate General in point 146 of his opinion – it must be considered that the different treatment applied based on the residence of the child in question is neither appropriate nor necessary to ensure the support function and equity of the social system.

5. Conclusion

The Court of Justice of the EU determined that by implementing an adjustment mechanism for family allowances and tax credits for dependent children of workers whose children reside in another Member State, Austria breached its obligations under Articles 4 and 67 of Regulation No. 883/2004 and Article 7(2) of Regulation No. 492/2011. Similarly, Austria's introduction of an adjustment mechanism for the additional family bonus, single-income household tax credit, single-parent tax credit, and maintenance payment tax credit applicable to migrant workers with children residing in another Member State violated Article 7(2) of Regulation No. 492/2011.

Following this ruling, Austria amended its Family Burdens Equalisation Act and Income Tax Act with Federal Law Gazette I No. 138/2022,23. This amendment repealed the indexation provisions and established the legal basis for back payment of the adjusted benefits.

The ruling underscores that the indexation mechanism for family benefits is incompatible not only with Regulation 883/2004 and Regulation 492/2011 but also with Article 45 of the Treaty on the Functioning of the European Union (TFEU). This effectively rules out any future amendments to Regulation 883/2004 that would allow for the indexation of family benefits.

The CJEU ruling illustrates an extremely important principle of EU law, namely the principle of fairness and equal treatment. Migrant workers should be treated equally to local workers in terms of social benefits, which has significant implications for the social policy of EU member states. This decision strengthens the protection of the social rights of migrant workers and underscores the need for equal treatment of all workers in the European Union.

The Court's judgment reinforces the principle of non-discrimination based on nationality and residence within the EU. It ensures that migrant workers receive equal treatment concerning social security benefits regardless of where their children reside.

The ruling has significant implications for the coordination of social security systems within the EU. It confirms that Member States cannot adjust social security benefits based on the residence of beneficiaries' family members, thereby upholding the integrity of EU regulations aimed at protecting migrant workers.

The decision may influence future EU policy and legislative measures related to social security coordination. It sets a precedent that any attempt to index family benefits according to the country of residence would violate EU law.

By emphasizing that migrant workers contribute equally to national insurance systems, the judgment ensures that they receive proportional benefits, promoting fairness and equality within the EU labour market.

For these reasons, the judgment deserves full approval as it aligns with the fundamental principles of EU law, safeguarding the rights of migrant workers and reinforcing the coherence of social security coordination across the Union.

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