

SUMMARY

## **ECJ 7 March 2018, case C-651/16 (DW), Social insurance**

***DW &ndash; v &ndash; Valsts sociālās  
apdrošības aģentūra, Latvian  
case***

### **Questions to the ECJ**

Must Article 4(3) TEU and Article 45 TFEU be interpreted as precluding legislation of a Member State such as that at issue in the main proceedings that, for the purposes of determining the average contribution basis when calculating the amount of maternity benefit, equates the months of the reference period in which the person concerned worked in an EU institution and was not insured in that Member State with a period of unemployment and applies to them the average contribution basis in that Member State, which has the effect of substantially reducing the amount of the maternity benefit granted to that person in comparison with the amount to which she would have been entitled had she been gainfully employed in that Member State alone?

### **Ruling**

Article 45 TFEU must be interpreted as precluding legislation of a Member State such as that at issue in the main proceedings that, for the purposes of determining the average contribution basis when calculating the amount of maternity benefit, equates the months of the reference period in which the person concerned worked in an EU institution and was not insured in that Member State with a period of unemployment and applies to them the average contribution basis in that Member State, which has the effect of substantially reducing the amount of the maternity benefit granted to that person in comparison with the amount to which she would have been entitled had she been gainfully employed in that Member State alone.

**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2018-03-07

**Case number:** C-651/16 (DW)