

SUMMARY

ECJ 11 April 2019, case C-483/17 (Tarola), social security

Neculai Tarola – v – Minister for Social Protection, Irish case

Question

Must Article 7(1)(a) and (3)(c) of Directive 2004/38 be interpreted as meaning that a national of a Member State who, having exercised his right to free movement, worked in another Member State for a period of two weeks, otherwise than under a fixed-term contract, before becoming involuntarily unemployed, retains the status of worker for no less than a further six months for the purposes of those provisions and, as a result, is entitled to receive social assistance payments or, as the case may be, social security benefits on the same basis as if he were a national of the host Member State?

Ruling

Article 7(1)(a) and (3)(c) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC must be interpreted as meaning that a national of a Member State who, having exercised his right to free movement, acquired, in another Member State, the status of worker within the meaning of Article 7(1)(a) of that directive, on account of the activity he pursued there for a period of two weeks, otherwise than under a fixed-term employment contract, before becoming involuntarily unemployed, retains the status of worker for a further period of no less than six months under those provisions, provided that he has registered as a jobseeker with the relevant employment office.

It is for the referring court to determine whether, in accordance with the principle of equal treatment guaranteed in Article 24(1) of Directive 2004/38, that national is, as a result, entitled

to receive social assistance payments or, as the case may be, social security benefits on the same basis as if he were a national of the host Member State.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-04-11

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