

SUMMARY

ECJ 18 September 2019, case C-32/18 (Tiroler Gebietskrankenkasse), social insurance

Tiroler Gebietskrankenkasse – v – Michael Moser, Austrian case

Questions

Must the second sentence of Article 60(1) of Regulation No 987/2009 be interpreted as meaning that the obligation laid down in that provision to take into account, for the purposes of determining the scope of a person's entitlement to family benefits, 'the whole family ... as if all the persons involved were subject to the legislation of the Member State concerned' applies both in the case where benefits are provided in accordance with the legislation designated as having priority under Article 68(1)(b)(i) of Regulation No 883/2004 and in the case where benefits are payable in accordance with one or more other laws?

Must Article 68 of Regulation No 883/2004 be interpreted as meaning that the amount of the differential supplement must be calculated by reference to the income actually earned in the Member State of employment or to an equivalent income earned from a comparable gainful activity in the Member State having secondary competence?

Ruling

The second sentence of Article 60(1) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems must be interpreted as meaning that the obligation laid down in that provision to take into account, for the purposes of determining the scope of a person's entitlement to family benefits, 'the whole family ... as if all the persons involved were subject to the legislation of the Member State concerned' applies both in the case where benefits are provided in accordance

with the legislation designated as having priority under Article 68(1)(b)(i) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, and in the case where benefits are payable in accordance with one or more other laws.

Article 68 of Regulation (EC) No 883/2004 must be interpreted as meaning that the amount of the differential supplement to be granted to a worker under the legislation of a Member State having secondary competence in accordance with that article must be calculated by reference to the income actually earned by that worker in his Member State of employment.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-09-18

Case number: C-32/18