

SUMMARY

## **ECJ 12 May 2021, Case C-27/20 (CAF), Social Insurance**

### ***PF, QG – v – Caisse d’allocations familiales (CAF) d’Ille-et-Vilaine, French case***

#### **Summary**

Use of reference year for determining family allowances not found contrary to Article 45 TFEU and Article 7 of Regulation 492/2011, even if subsequent income is significantly reduced.

#### **Question**

Must Article 45 TFEU and Article 7 of Regulation No 492/2011 be interpreted as precluding national legislation which uses as the reference year for the calculation of family allowances to be allocated the penultimate year preceding the payment period, so that, in the event of a substantial increase in the income received by a national official in the course of a secondment to an EU institution situated in another Member State, the amount of family allowances is, at the time of the return of that official to the Member State of origin, significantly reduced for two years?

#### **Ruling**

Article 45 TFEU and Article 7 of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union must be interpreted as not precluding national legislation which uses, as the reference year for the calculation of family allowances to be allocated, the penultimate year preceding the payment period, so that, in the event of a substantial increase in the income received by a national official in the course of a secondment to an EU institution situated in another Member State, the amount of family allowances is, at the time of the return of that official to the Member State of origin, significantly reduced for two years.

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

**Verdict at:** 2021-05-12

**Case number:** C-27/20