

## SUMMARY

# **ECJ 10 March 2022, case C-247/20 (Commissioners for Her Majesty's Revenue and Customs (Assurance maladie complète)), Social Insurance**

## ***VI – v – The Commissioners for Her Majesty's Revenue & Customs, UK case***

### **Summary**

Once a child and a parent have obtained a right of permanent residence, they do not need a comprehensive sickness insurance cover. However, they do need it when they want to obtain an initial right of residence for more than three months.

### **Questions**

Must Article 21 TFEU and Article 16(1) of Directive 2004/38 be interpreted as meaning that a child, a Union citizen, who has acquired a right of permanent residence, and the parent who is the primary carer of that child are required to have comprehensive sickness insurance cover, within the meaning of Article 7(1)(b) of that directive, in order to retain their right of residence in the host State?

Must Article 21 TFEU and Article 7(1)(b) of Directive 2004/38 be interpreted as meaning that, as regards periods before a child, a Union citizen, has acquired a right of permanent residence in the host State, both that child, where a right of residence is claimed for him or her on the basis of that Article 7(1)(b), and the parent who is actually caring for him or her must have comprehensive sickness insurance cover within the meaning of that directive?

### **Ruling**

Article 21 TFEU and Article 16(1) 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 neither a child, a Union citizen, who has acquired a right of permanent residence, nor the parent who is the primary carer of that child is required to have comprehensive sickness insurance cover, within the meaning of Article 7(1)(b) of that directive, in order to retain their right of residence in the host State.

Article 21 TFEU and Article 7(1)(b) of Directive 2004/38 must be interpreted as meaning that, as regards periods before a child, a Union citizen, has acquired a right of permanent residence in the host State, both that child, where a right of residence is claimed for him or her on the basis of that Article 7(1)(b), and the parent who is the primary carer of that child must have comprehensive sickness insurance cover within the meaning of that directive.

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

**Verdict at:** 2022-03-10

**Case number:** C-247/20