

SUMMARY

ECJ 29 February 2024, case C-549/22 (Raad van bestuur van de Sociale verzekeringsbank), Social insurance

X – v – Raad van bestuur van de Sociale verzekeringsbank, Dutch case

Summary

The ECJ interprets Article 68(4) of the EC-Algeria Association Agreement as having direct effect and as applying to the survivors of a worker who, wishing to transfer their survivors' benefit to Algeria, are not themselves workers and who reside in Algeria.

Questions

Must Article 68(4) of the EC-Algeria Association Agreement be interpreted as having direct effect, so that persons to whom that provision applies are entitled to rely on it directly before the Member States' courts to have rules of national law which are contrary to it disapplied?

Must Article 68(4) of the EC-Algeria Association Agreement be interpreted as applying to the survivors of a worker who, wishing to transfer their survivors' benefit to Algeria, are not themselves workers and who reside in Algeria?

Must Article 68(4) of the EC-Algeria Association Agreement be interpreted as precluding a reduction in the amount of a survivors' benefit by reason of the fact that the recipient of that benefit resides in Algeria?

Ruling

Article 68(4) of the the EC-Algeria Association Agreement must be interpreted as having direct effect, so that persons to whom that provision applies are entitled to rely on it directly before the Member States' courts to have rules of national law which are contrary to it

disapplied.

Article 68(4) of the the EC-Algeria Association Agreement must be interpreted as applying to the survivors of a worker who, wishing to transfer their survivors' benefit to Algeria, are not themselves workers and who reside in Algeria.

Article 68(4) of the the EC-Algeria Association Agreement must be interpreted as not precluding a reduction in the amount of a survivors' benefit by reason of the fact that the recipient of that benefit resides in Algeria, where that benefit is intended to guarantee a basic income calculated on the basis of the cost of living in the debtor Member State and the reduction thus effected respects the substance of the right to transfer freely such a benefit.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-02-29

Case number: C-549/22