

SUMMARY

## **ECJ 16 May 2024, case C-27/23 (Hocinx), Social insurance**

### ***FV – v – Caisse pour l’avenir des enfants, Luxembourg case***

#### **Summary**

Frontier workers must enjoy the same social advantages as resident workers. The ECJ’s summary of the case can be found [here](#).

#### **Question**

Must Article 45 TFEU and Article 7(2) of Regulation No 492/2011 be interpreted as precluding legislation of a Member State under which a non-resident worker may not receive a family allowance associated with his or her employment in that Member State for a child who has been placed with that worker by a court order and of whom he or she has custody, whereas a child placed in care by a court order and residing in that Member State is entitled to receive that allowance, which is paid to the natural or legal person who has custody of that child; and whether the fact that the non-resident worker provides for the upkeep of the child placed with him or her has a bearing on the answer to that question?

#### **Ruling**

Article 45 TFEU and Article 7(2) of Regulation No 492/2011 must be interpreted as precluding legislation of a Member State under which a non-resident worker may not receive a family allowance associated with his or her employment in that Member State for a child placed with that worker by a court order and of whom he or she has custody, whereas a child placed in care by a court order and residing in that Member State is entitled to receive that allowance, which is paid to the natural or legal person who has custody of that child. The fact that the non-resident worker provides for the upkeep of the child placed with him or her can be taken into account in the context of the grant of a family allowance to such a worker in respect of a child placed in his or her household only if the applicable national legislation provides for

such a condition to be attached to the grant of that allowance to a resident worker who has custody of a child placed in his or her household.

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

**Verdict at:** 2024-05-16

**Case number:** C-27/23