

State, is the obligation of the second Member State pursuant to art. 81 of regulation 883/2004 (specifically, the obligation to treat a claim to the Member State of origin as being admissible in the second Member State) to be interpreted as being entirely independent of the applicant's obligation to give correct information regarding her place of residence pursuant to art. 76(4) of regulation 883/2004, such that a claim made incorrectly to the Member State of origin must be accepted as admissible by the second Member State for the purposes of art. 81, notwithstanding the failure of the applicant to provide correct information as to her place of residence in accordance with art. 76(4), within the period for making a claim prescribed by the law of the second Member State?

- Does the general EU law principle of effectiveness have the consequence that access to EU law rights is rendered ineffective in circumstances such as those in the present proceedings (in particular, in circumstances where the EU national exercising free movement rights is in breach of her obligation under art. 76(4) to notify the social welfare authorities of the Member State of origin of her change of country of residence) by a requirement of national law in the Member State in which the right of free movement is exercised that in order to obtain a backdating of claims for child benefit an EU national must apply for such a benefit in the second Member State within a period of twelve months prescribed by the domestic law of the latter Member State?

## Case C-33/21, Social Insurance

Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro (INAIL), Istituto nazionale della previdenza sociale (INPS) – v – Ryanair DAC, reference lodged by the Corte suprema di cassazione on 18 January 2021

Can the concept of a person 'employed principally in the territory of the Member State in which he resides' contained in Article 14(2)(a)(ii) [of Regulation (EEC) No. 1408/71, as amended] be interpreted in the same way as that which (concerning judicial cooperation in civil matters, jurisdiction and individual contracts of employment (Council Regulation (EC) No. 44/2001)) Article 19(2)(a) [of the latter Regulation] defines as the 'place where the employee habitually carries out his work', including in the aviation and airline crew sector (Council Regulation (EEC) No. 3922/91), as expressed in the case-law of the Court of Justice of the European Union referred to in the grounds?

## Case C-22/21, Other Forms of Free Movement

SRS and AA – v – Minister for Justice and Equality, reference lodged by the Supreme Court (Ireland) on 14 January 2021

- Can the term member of the household of an EU citizen, as used in Article 3 of Directive 2004/38/EC, be defined so as to be of universal application throughout the EU and if so what is that definition?
- If that term cannot be defined, by what criteria are judges to look at evidence so that national courts may decide according to a settled list of factors who is or who is not a member of the household of an EU citizen for the purpose of freedom of movement?