

ECJ 21 December 2023, case C-667/21 (Krankenversicherung Nordrhein), Privacy

ZQ – v – Medizinischer Dienst der
Krankenversicherung Nordrhein, Körperschaft des
öffentlichen Rechts, German case

Summary

Unfortunately, no English translation of the judgment is available yet.

ECJ 21 December 2023, case C-488/21 (Chief Appeals Officer), Free Movement, Social Insurance

GV – v – Chief Appeals Officer, Social Welfare
Appeals Office, Minister for Employment Affairs
and Social Protection, Ireland, Attorney General,
Irish case

Summary

An EU migrant worker's mother who is dependent on that worker, may apply for social assistance without that application questioning her right of residence. The ECJ's summary of the case is available on: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2023-12/cp230204en.pdf>.

Question

Must Article 45 TFEU, as implemented by Article 7(2) of Regulation No 492/2011, read in combination with Directive 2004/38, be interpreted as precluding legislation of a Member State which permits the authorities of that Member State to refuse to grant a social assistance benefit to a direct relative in the ascending line who, at the time the application for that benefit is made, is dependent on a worker who is a Union citizen, or even to withdraw from him or her the right of residence for

more than three months, on the ground that the grant of the said benefit would have the effect that that family member would no longer be dependent on the worker who is a Union citizen and would thus become an unreasonable burden on the social assistance system of the said Member State?

Ruling

Article 45 TFEU, as implemented by Article 7(2) 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, read in combination with Article 2(2)(d), Article 7(1)(a) and (d) and Article 14(2) 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 precluding legislation of a Member State which permits the authorities of that Member State to refuse to grant a social assistance benefit to a direct relative in the ascending line who, at the time the application for that benefit is made, is dependent on a worker who is a Union citizen, or even to withdraw from him or her the right of residence for more than three months, on the ground that the grant of the said benefit would have the effect that that family member would no longer be dependent on the worker who is a Union citizen and would thus become an unreasonable burden on the social assistance system of the said Member State.