

EN
E-004470/2020
Answer given by Mr Schmit
on behalf of the European Commission
(11.9.2020)

In its role as the guardian of the Treaties, the Commission monitors the correct implementation of the relevant provisions of Regulation (EC) No 883/2004¹ by the Member States. It can open, in accordance with Article 258 of the Treaty on the Functioning of the EU², infringement procedures against Member States that do not fulfil their obligations under the Treaty.

On 14 May 2020, the Commission decided to refer Austria to the Court of Justice of the EU on the issue of indexation of family benefits and child tax credit. Accordingly, on 22 July 2020, the Commission filed the request with the Court of Justice to declare the relevant Austrian legislation incompatible with EU law. The request is registered under the number C-328/20.

¹ Regulation (EC) No 883/2004 on the coordination of social security systems, OJ L 166, 30.4.2004, p.1.

² OJ L 115, 9.5.2008, p. 1