

(English version)

**Question for written answer E-004470/20
to the Commission
Ioan-Rareş Bogdan (PPE)
(31 July 2020)**

Subject: Austrian law on the indexation of family benefits

In early 2019, a law entered into force in Austria which aligned the level of allowances payable for non-resident children of EU citizens working in Austria with the average cost of living in the child's country of residence. The measure affects citizens of several states, including Romanians.

That decision has been strongly criticised and the Commission has referred Austria to the Court of Justice of the European Union (CJEU) on the grounds that the Austrian law on the indexation of family benefits, tax credits for children and family tax credits does not comply with EU rules and is discriminatory.

1. What stage has been reached in the Commission's action before the Court of Justice of the European Union?
2. What action will the Commission take to guarantee equal rights for all EU citizens and to ensure that a situation like the one in Austria does not recur in the policies of other EU Member States in the future?

**Answer given by Mr Schmit on behalf of the European Commission
(11 September 2020)**

In its role as the guardian of the Treaties, the Commission monitors the correct implementation of the relevant provisions of Regulation (EC) No 883/2004 ⁽¹⁾ by the Member States. It can open, in accordance with Article 258 of the Treaty on the Functioning of the EU ⁽²⁾, 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 EC 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