

**Question for written answer E-002875/2022
to the Commission**
Rule 138
Roman Haider (ID)

Subject: Family benefits within the meaning of Regulation (EC) No 883/2004

According to judgment III R 27/19 of the German Federal Fiscal Court¹, a person who is not gainfully employed is entitled to family benefits under Article 67 of Regulation (EC) No 883/2004 even if the primary competent State has a family benefit paid only to persons who are gainfully employed, which means that Article 68 of Regulation (EC) No 883/2004 cannot apply. This problematic state of affairs would have been unthinkable under Regulation (EEC) No 1408/71.

1. What action does the Commission intend to take to resolve this problem?
2. Why, in general, are family benefits covered by Regulations (EC) No 883/2004 and (EC) No 987/2009 even though family benefits effectively in all Member States do not constitute social security benefits?

¹ <https://www.bundesfinanzhof.de/de/entscheidung/entscheidungen-online/detail/STRE202150097/>