

**Priority question for written answer P-004268/2020
to the Commission**

Rule 138

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Subject: Benefits for children in foster care – coordination of social security systems

According to Regulation (EC) No 883/2004 on the coordination of social security systems, the principle of the transferability of contributions, including for those in foster care, applies in respect of all EU countries where a recipient or their relatives reside. The principle of equal treatment also applies. EU citizens are entitled to the same benefits under the legislation of any given Member State as the nationals of that Member State.

If a Slovak foster parent lives in Austria with a foster child, according to the Slovak Labour Office, the foster care benefit should be paid by Austria. Moreover, this was also confirmed by a Regional Court. However, an Austrian municipality is claiming that Slovakia is responsible for paying this benefit, as Austria provides the benefit only to Austrian children in foster care. Therefore, as a result of the shifting of responsibility between the Slovak and Austrian authorities, the Slovak foster parent and the foster child living in Austria have received no benefits for many years.

Is a foster care benefit considered to be a social security benefit covered by the export of benefits within the meaning of the Regulation on the coordination of social security systems?

Is Austria in violation of the Regulation on the coordination of social security systems and the principles that ensue from it if it refuses to pay foster care benefits to a Slovak foster parent living in Austria?