

## Question

Must Article 45 TFEU and Article 7 of Regulation No 492/2011 be interpreted as precluding national legislation which uses as the reference year for the calculation of family allowances to be allocated the penultimate year preceding the payment period, so that, in the event of a substantial increase in the income received by a national official in the course of a secondment to an EU institution situated in another Member State, the amount of family allowances is, at the time of the return of that official to the Member State of origin, significantly reduced for two years?

## Ruling

Article 45 TFEU and Article 7 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 must be interpreted as not precluding national legislation which uses, as the reference year for the calculation of family allowances to be allocated, the penultimate year preceding the payment period, so that, in the event of a substantial increase in the income received by a national official in the course of a secondment to an EU institution situated in another Member State, the amount of family allowances is, at the time of the return of that official to the Member State of origin, significantly reduced for two years.

## ECJ 12 May 2021, Case C-130/20 (INSS (Complément de pension pour les mères – II)), Gender Discrimination, Pension

YJ – v – Instituto Nacional de la Seguridad Social (INSS), Spanish case

## Summary

Directive 79/7 on equal treatment for men and women in matters of social security does not apply to national legislation which grants a pension supplement to women with at least two children who retire (early) on grounds of law but not in case of voluntary early retirement, as the Directive concerns discrimination between men and women.

## Question

Must Article 4(1) of Directive 79/7 be interpreted as precluding national legislation which provides that women who have had at least two biological or adopted children are entitled to a pension maternity supplement in the event of retirement at the statutory age or early retirement on certain grounds laid down by law, but not if the person concerned voluntarily takes early retirement.

## Ruling

Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security does not apply to national legislation which provides that women who have had at least two biological or adopted children are entitled to a pension maternity supplement in the event of retirement at the statutory age or early retirement on certain grounds laid down by law, but not if the person concerned voluntarily takes early retirement.

## ECJ 12 May 2021, Case C-202/20 P (Necci / Commission), Miscellaneous

Claudio Necci – v – European Commission, EU case

## Summary

EC's Rejection of request to join the Joint Sickness Insurance Scheme of the Institutions of the European Communities found illegitimate, case referred back to General Court.

## Ruling

The Court (Eighth Chamber):

1. Sets aside the order of the General Court of the European Union of 25 March 2020, *Necci v Commission* (T-129/19, not published, EU:T:2020:131);
2. Refers the case back to the General Court of the European Union;
3. Reserves the costs.