

Case C-284/23, Social Insurance

EP – v – Ministarstvo financija Republike Hrvatske, Samostalni sektor za drugostupanjski upravni postupak, reference lodged by the Ustavni sud Republike Hrvatske (Croatia) on 28 April 2023

1. Should Articles 18, 20, 21 and the second indent of Article 165(2) of the Treaty on the Functioning of the European Union (OJ 2016 C 202, p. 1) be interpreted as precluding legislation of a Member State under which a parent loses the right to increase the annual basic income tax allowance for a dependent child who, as a dependent student having exercised his or her right freely to move and reside in another Member State for the purpose of study, has availed himself or herself, on the basis of national implementing acts, of the measures provided for in Article 6(1)(a) of Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing ‘Erasmus +’: the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ 2013 L 347, p. 50) for the purpose of facilitating mobility from a Member State with lower or middle average living costs to a Member State with higher average living costs, as determined according to the criteria of the European Commission set out in Article 18(7) of that regulation, when that child receives student mobility support which exceeds a certain fixed limit?
2. Should Article 67 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2002 L 166, p. 1) be interpreted as precluding legislation of a Member State under which a parent loses the right to increase the annual basic income tax allowance for a dependent student who, while studying in another Member State, availed himself or herself of the student mobility support provided for in Article 6(1)(a) of Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing ‘Erasmus+’: the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ 2013 L 347/50)?

Case C-314/23, Gender Discrimination

Sindicato de Tripulantes Auxiliares de Vuelo de Líneas Aéreas (STAVLA) – v – Various parties, reference lodged by the Audiencia Nacional (Spain) on 22 May 2023

Does the fact that the company AIR NOSTRUM compensates a group such as cabin crew, where the majority of the individuals making up the group are women, for the expenses which they have to meet when travelling, other than those related to transport and accommodation, with an amount smaller than that received for the same expenses by another group of employees, such as pilots, in which the majority are men, constitute an instance of indirect discrimination on grounds of sex in relation to working conditions, contrary to European Union law and prohibited under Article 14(1)(c) of Directive 2006/54, where the reason for such different treatment lies in the fact that each group is subject to a different collective agreement, both negotiated by the same company but with different union representatives, pursuant to Article 87 of the Estatuto de los Trabajadores (Spanish Workers’ Statute; ‘the Workers’ Statute’)?

Case C-323/23, Social Insurance

DS – v – Pensionsversicherungsanstalt, reference lodged by the Oberster Gerichtshof (Austria) on 25 May 2023

Is Article 7 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (‘the Union Citizens Directive’), to be interpreted as meaning that an economically inactive citizen of the European Union may not be a burden on the social assistance system within the meaning of the Union Citizens Directive, if he resides in the host Member State for more than three months, but for less than five years, and derives his right of residence only from his capacity as the spouse (Article 2(2)(a) of the Union Citizens Directive) of a European Union citizen employed in the host Member State (migrant worker) (Article 7(1)(d) of the Union Citizens Directive), but does not himself have an original right of residence under Article 7(1)(a), (b) or (c) of the Union Citizens Directive?