Anonymised version

Case C-300/24 [Meyervibert] [i]

Request for a preliminary ruling

Date lodged:

26 April 2024

Referring court:

Cour de cassation (Luxembourg)

Date of the decision to refer:

25 April 2024

Appellants:

MY

IX

Respondent:

Caisse pour l'avenir des enfants

Facts specific to the present case (C-300/24):

The appellants, the mother and stepfather of a child for whom entitlement to the family allowance was withdrawn pursuant to Articles 269 and 270 of the Code de la sécurité sociale luxembourgeois (Luxembourg Social Security Code), as amended by the Law of 23 July 2016, live together in France.

The grounds of appeal based on EU law are identical in Cases C-297/24 to C-306/24.

The questions for a preliminary ruling are identical in Cases C-296/24 to C-307/24.

[i] The name of the present case is a fictitious name. It does not correspond to the name of any party to the proceedings.

The grounds of the order for reference (entitled ‘Response of the Court’) are identical in Cases C-296/24 to C-307/24 except for the passage concerning the judgment under appeal which, here, in Case C-300/24, reads as follows (pages 6 and 7 of the order for reference):

‘Applying that criterion, the appeal judges, in order to justify the decision to withdraw the family allowance,

– stated implicitly, but necessarily, that evidence of the existence of a marriage between the frontier worker and the child’s mother and of the existence of a joint household shared by the frontier worker, his spouse and the child, that evidence, taken in isolation or together, did not establish that the condition was fulfilled,

– held that the two biological parents had the means to contribute to the child’s maintenance, that the mother was pursuing a professional activity, and that the father, who had accommodation and visiting rights, had to pay index-linked maintenance of EUR 80 according to the divorce decree of 2 December 2009, adding that there did not seem from the evidence on file to have been any problem in recovering that maintenance, in order to conclude that ‘*the biological parents assume the whole cost of the child’s maintenance,, without recourse* [to the appellant on a point of law]’,

– stated that that finding is not called into question by the fact that the shared home was MY’s own property and that MY paid for the electricity and the insurance for the child’s accompanied driving when ‘the occasional payment of certain expenses or the fact that the house which constitutes the marital home was made available not only to the child, but also his spouse, cannot establish to the required legal standard that he supports his stepdaughter’.