

Anonymised version

Translation

C-298/24 – 1

Case C-298/24 [Caraneux]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:

LK

MF

Respondent:

Caisse pour l'avenir des enfants

Facts specific to the present case (C-298/24):

The appellants, the mother and stepfather of two children for whom entitlement to the family allowance was withdrawn pursuant to Articles 269 and 270 of the Code de la sécurité sociale luxembourgeois (Luxembourg Social Security Code), as amended by the Law of 23 July 2016,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

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

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

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-298/24, 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 registered partnership between the frontier worker and the children’s mother and of the existence of a joint household shared by the frontier worker, his partner and the children, 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 children’s maintenance and contributed to it, when the mother was pursuing a professional activity and the father had to pay an index-linked maintenance contribution of EUR 175 for each child, in order to conclude that ‘the biological parents assume the whole cost of the children’s maintenance,
- stated that the evidence concerning payments relating to the children’s school fees, education costs and sports activities, payment of the rent of the family home and financing of the family car did not demonstrate to the required legal standard that LK supported the children, since it was not established that the debited account, which was held by both appellants in the appeal on a point of law, was funded by him alone’.