

Anonymised version

Translation

C-302/24 – 1

Case C-302/24 [Prudnez]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

Appellant:

AE

Respondent:

Caisse pour l'avenir des enfants

Facts specific to the present case (C-302/24):

The appellant, the stepfather of the child for whom the entitlement to the family allowance was withdrawn pursuant to Articles 269 and 270 of the Code de la sécurité sociale luxembourgeois (Luxembourg Social Security Code), as amended by the Law of 23 July 2016,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

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-302/24, 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, since they were both pursuing a professional activity and contributed to the child’s maintenance, and that the father had to pay maintenance of EUR 280 – a temporary suspension of payment of that maintenance not being apparent from the evidence of the case – in order to conclude that *‘the biological parents assume the whole cost of the child’s maintenance’*,
- stated that the appellant on a point of law *‘has failed to provide any evidence establishing his substantive assumption of the maintenance costs of his stepson’* and that, in the absence of such evidence, the proof that he was supporting the child was not provided to the required legal standard.