

Anonymised version

Translation

C-303/24 – 1

Case C-303/24 [Vochal]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:

BF

CG

Respondent:

Caisse pour l'avenir des enfants

Facts specific to the present case (C-303/24):

The appellants, the mother and stepfather of two children for whom entitlement to the family allowance was withdrawn pursuant to Articles 269 and 270 of the Code de la sécurité sociale luxembourgeois (Luxembourg Social Security Code), as amended by the Law of 23 July 2016,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 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-303/24, 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 children’s mother and of the existence of a joint household shared by the frontier worker, his spouse and the children, that evidence, taken in isolation or together, did not establish that the condition was fulfilled,
- held that the two biological parents were pursuing a professional activity providing them with an income and that the mother received index-linked monthly maintenance of EUR 300 for the children, in order to conclude that *‘the biological parents assume the whole cost of their children’s maintenance and neither the bank account statements for November and December 2022 nor the tax notices of 2016 and 2020 can invalidate that conclusion’*,
- stated that, even assuming that BF is the owner of the family home, the fact that he repays the mortgage loan for the family accommodation from an account in his name and pays health insurance *‘does not establish to the required legal standard, in the absence of other evidence, that he supports the children’*.