

EN

E-002443/2024

Answer given by Executive Vice-President Mînzatu
on behalf of the European Commission
(5.1.2025)

Following the Commission reply to Parliamentary question E-00152/2023, the Commission services are assessing the case.

According to Article 7(2) of Regulation 492/2011¹, a worker who is a national of a Member State is entitled to enjoy, in the territory of another Member State, the same social and tax advantages as national workers. As the Court has ruled, that provision equally benefits both migrant workers resident in a host Member State and frontier workers employed in that Member State while residing in another Member State².

According to the preliminary assessment the job bonus could be considered to be social advantage according to Article 7(2) of the Regulation. It should thus be granted to EU mobile workers regardless of their place of residence. An indirect discrimination to access to social advantages is permissible only if it is objectively justified. In order to be objectively justified, it must be appropriate for securing the attainment of a legitimate objective and must not go beyond what is necessary to attain that objective.

It is for the national authorities, where they adopt a measure derogating from a principle enshrined in EU law, to show that that measure is appropriate for securing the attainment of the objective relied upon and does not go beyond what is necessary to attain it.

The Commission services have reached out to the Belgian authorities for detailed information and explanations regarding the nature and conditions of eligibility for the job bonus. The response is expected in January 2025. Once the response is received, the Commission will assess it and will follow up, if appropriate.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011R0492>

² Judgment in case C-20/12 Giersch, para. 37, C-802/18 Caisse pour l'avenir des enfants, paragraph 56 and case-law cited.