

JUDGMENT OF THE COURT**of 29 July 2022****in Case E-5/21****Anna Bryndís Einarsdóttir v the Icelandic Treasury***(Articles 6 and 21 of Regulation (EC) No 883/2004 – Social security – Migrant worker – Equality of treatment – Calculation of maternity benefit)**(2023/C 29/06)*

In Case E-5/21, Anna Bryndís Einarsdóttir v the Icelandic Treasury – REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by Reykjavík District Court (*Héraðsdómur Reykjavíkur*), concerning the interpretation of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾, and in particular Articles 6 and 21 of that regulation, the Court, composed of Páll Hreinsson, President, Per Christiansen (Judge-Rapporteur) and Bernd Hammermann, Judges, gave judgment on 29 July 2022, the operative part of which is as follows:

Articles 6 and 21(2) and (3) of Regulation (EC) No 883/2004 on the coordination of social security systems do not oblige the competent institution of an EEA State to calculate the amount of a benefit, such as that at issue in the main proceedings, on the basis of income received in another EEA State. However, Article 21(2) and (3) of Regulation (EC) No 883/2004, interpreted in accordance with the objective set out in Article 29 of the EEA Agreement, requires that the amount of a benefit, such as that at issue in the main proceedings, granted to a migrant worker who, during the reference period set out in national law had only had income in another EEA State, must be calculated by taking into account the income of a person who has comparable experience and qualifications and who is similarly employed in the EEA State in which that benefit is sought.

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.