



C/2024/2573

22.4.2024

Judgment of the Court (Second Chamber) of 29 February 2024 (request for a preliminary ruling from the Centrale Raad van Beroep - Netherlands) - X v Raad van bestuur van de Sociale verzekeringsbank

(Case C-549/22, ⁽¹⁾ Raad van bestuur van de Sociale verzekeringsbank (Transfer of survivors' benefits))

(Reference for a preliminary ruling – EC-Algeria Association Agreement – Social security for Algerian migrant workers and their survivors – Transfer of benefits to Algeria at the rates applied by virtue of the legislation of the debtor Member State – Survivors' benefit – National legislation applying the country-of-residence principle – Residence clause involving a reduction in the amount of survivors' benefit for recipients residing in Algeria)

(C/2024/2573)

Language of the case: Dutch

Referring court

Centrale Raad van Beroep

Parties to the main proceedings

Applicant: X

Defendant: Raad van bestuur van de Sociale verzekeringsbank

Operative part of the judgment

1. Article 68(4) of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, must be interpreted as having direct effect, so that persons to whom that provision applies are entitled to rely on it directly before the Member States' courts to have rules of national law which are contrary to it disapplied.
2. Article 68(4) of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, must be interpreted as applying to the survivors of a worker who, wishing to transfer their survivors' benefit to Algeria, are not themselves workers and who reside in Algeria.
3. Article 68(4) of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, must be interpreted as not precluding a reduction in the amount of a survivors' benefit by reason of the fact that the recipient of that benefit resides in Algeria, where that benefit is intended to guarantee a basic income calculated on the basis of the cost of living in the debtor Member State and the reduction thus effected respects the substance of the right to transfer freely such a benefit.

⁽¹⁾ OJ C 463, 5.12.2022.