

Interpretative statement on Article 12§4

With respect to Article 12§4 the Committee had occasion to consider a memorandum prepared by the Committee of Experts on Standard-Setting Instruments in the Field of Social Security (CS-CO) and to which several states had made reference in their reports. The memorandum concerned in particular the payment of family benefits where the children are not resident in the territory of the State concerned (i.e. the State where the claimant resides). Following a thorough examination of the issue, the Committee decided to maintain its case law according to which making the payment of family benefits conditional on the claimant's children being resident in the State concerned amounts to indirect discrimination not in conformity with Article 12§4 of the Charter.