

**Question for written answer E-008584/2013
to the Commission**

Rule 117

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Subject: Problems with the coordination of family allowances

Problems arise with the coordination of family allowances (Kindergeld) between the Netherlands and Germany.

1. Is it true that, pursuant to Regulation (EC) No 883/2004, where parents have been divorced (since 2001) and:
 - the father lives in Germany and has social insurance cover in Germany because of his work,
 - the mother lives in the Netherlands and has social insurance cover in the Netherlands because of her work,
 - the children live in the Netherlands with their mother, and
 - the father actually pays maintenance to the mother for his children, while in addition the mother receives child benefit from the Netherlands,there is a priority right to Dutch family allowances (kinderbijslag) and that Germany can reduce the right to German family allowances (Kindergeld) by offsetting the amount which the Netherlands pays in family allowances?
2. Until 1 May 2010, Germany paid supplementary 'Kindergeld' to the father. However, since that date, Germany has not paid supplementary 'Kindergeld' to either parent, because of the lack of clarity in Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009. To which person – the mother, with whom the children live, or the father – should Germany pay the family allowance (Kindergeld)?
3. Was the coordination or the payment to the beneficiary parent in the above situation subject to different rules under the 'old' Regulation (EEC) No 1408/71?
4. How is the Slanina judgment (judgment of 26 November 2009, Case C-363/08, Slanina/Unabhängiger Finanzsenat, ECR [2008] I-11111) codified in the current regulations or in an administrative decision?