

## **Abstract**

### **Coordination of social security in the EU – indexation of family benefits in the Republic of Austria**

As a unique system of cooperation across the European territory, social security coordination is currently facing political and legal challenges, which culminated in the ongoing legal proceedings initiated by the European Commission as a plaintiff against one of the Member States, namely the Republic of Austria.

The first part of this master thesis (chapters one and two) introduces the reader to the general characteristics of coordination, its principles and its anchoring in the EU law. Part two (chapters three to five) allows the reader to learn more about the issue of indexation of (coordinated) family benefits and its history in Europe. It looks in more detail at indexation in the Republic of Austria, specifically its journey from a political idea to an application practice that conflicts with the current EU coordination arrangements, in particular the principle of equal treatment.

The first chapter deals with the historical development of the idea of social security coordination, an explanation of the concept, as well as the sources of EU and international law, their scope in this field and their interrelations. The chapter concludes by tracing the link between coordination and one of the EU's fundamental freedoms, the free movement of persons.

The second chapter describes the five basic principles of social security coordination, i.e. the principle of equal treatment, the principle of the application of one legal system, the principle of aggregation of insurance periods, the principle of exportability of benefits, the principle of assimilation of facts and the principle of good cooperation between social security coordinating authorities. In view of the variability of human mobility, not only economic mobility, the chapter deals in more detail with the principle of the application of a single legal system. The practical operation of the transmission of information from the Member States concerning coordination is described in the context of the principle of good cooperation between the social security coordinating authorities.

Chapter 3 deals with the indexation of family benefits. It describes its origins in European political history, the role it played in the UK's departure from the EU, but also the emancipation in which indexation found its anchorage in the current Austrian legal system where it is not a mere proclamation but an applied legal institution.

The task of the fourth chapter is to provide an insight into the general functioning of the two judicial procedures (infringement and preliminary ruling procedures) that are currently being used as instruments of EU control over Member States' compliance with EU law against Austria's decision to introduce indexation of family benefits. As both types of these proceedings have been initiated against the Republic of Austria, the chapter also briefly discusses their history and the publicly available arguments of both parties.

The content of the final fifth chapter is a discussion of the compatibility of the Austrian indexation method with EU law, specifically with the individual articles of the most important coordination regulations as defined by the European Commission as the applicant in its actions against the above-mentioned Member State. The individual parts of the chapter also contain more detailed descriptions of court cases that the CJEU has dealt with in the past in relation to these articles, against which the indexation of family benefits is contrary. In addition to the case law, the chapter also draws on the literature. From these sources, the author of thesis thus concludes her opinion on whether or not the indexation of family benefits in Austria is compatible with the EU law.