

# Case C-213/05

**Wendy Geven**

**v**

**Land Nordrhein-Westfalen**

(Reference for a preliminary ruling from the Bundessozialgericht)

(Frontier worker — Regulation (EEC) No 1612/68 — Child-raising allowance —  
Not granted — Social advantage — Residence condition)

Opinion of Advocate General Geelhoed delivered on 28 September 2006 . . . I - 6349  
Judgment of the Court (Grand Chamber), 18 July 2007 . . . . . I - 6362

## Summary of the Judgment

*Freedom of movement for persons — Workers — Equal treatment — Social advantages  
(Council Regulation No 1612/68, Art. 7(2))*

Article 7(2) of Regulation No 1612/68 on freedom of movement for workers within the Community does not preclude the exclusion, by the national legislation of a Member State, of a national of another Member State who resides in that State and is in minor employment (less than 15 hours per week) in the former State from receiving a social advantage such as a child-raising allowance on the ground that he does not have his permanent or ordinary residence in the former State.

In the context of national legislation pursuing aims of family policy, granting the child-raising allowance to persons who have a sufficiently close connection with national society, without reserving that allowance exclusively to persons who reside in national territory, the fact that a non-resident worker does not have a sufficiently substantial occupation in the Member State concerned is capable of constituting a legitimate justification for a refusal to grant the social advantage at issue.

Social policy is, in the current state of Community law, a matter for the Member States, which have a wide discretion in exercising their powers in that respect. However, that wide discretion cannot have the effect of undermining the rights granted to individuals by the provisions of the Treaty in which their fundamental freedoms are enshrined.

(see paras 21, 26-28, operative part)