

Case C-299/14 Vestische Arbeit Jobcenter Kreis Recklinghausen v García-Nieto

Facts: Jovanna García-Nieto, had applied for and was excluded from the scheme of social benefits under SGB II by virtue of point 2 Paragraph 7(1) of the SGB II. The Landessozialgericht Nordrhein-Westfalen requested a preliminary ruling on whether the principle of equal treatment could be limited by national provisions that do not in any circumstances allow the grant of a social benefit to non-workers.

Held: The Court distinguished the economic and social sphere, but bypassed the fundamentality of Union citizenship, simply stressing the principle of equal treatment. The Court adopted the reasoning in Case C-67/14 *Jobcenter Berlin Neukölln v Alimanovic*. Where the Court had asserted that no ‘individual assessment is necessary’, and that the gradual system established in the CRD regarding eligibility for social assistance was a sufficient consideration in itself of individual characteristics. Consequently, the legislation complied with the principle of proportionality ab initio, and so no separate proportionality analysis was required.