

SUMMARY

ECJ 30 May 2018, case C-517/16 (Czerwiński), Social insurance

<p>Stefan Czerwiński – v – Zakład Ubezpieczeń Społecznych Oddział w Gdańsku, Polish case</p>

Questions to the ECJ

Is the classification of a benefit under one of the branches of social security listed in Article 3 of Regulation No 883/2004 made by the competent national authority in the declaration to be made by the Member State under Article 9(1) of that regulation definitive or is it capable of assessment by the national courts?

Is such a benefit to be regarded as an ‘old-age benefit’ within the meaning of Article 3(1)(d) of Regulation No 883/2004 or a ‘pre-retirement benefit’ within the meaning of Article 3(1)(i) of that regulation?

Ruling

The classification of a benefit under one of the branches of social security listed in Article 3 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, made by the competent national authority in the declaration submitted by the Member State pursuant to Article 9(1) of that regulation, is not definitive. The classification of a social security benefit may be made by the national court concerned, autonomously and on the basis of the elements that constitute the social security benefit at issue, and by referring, if necessary, a question for a preliminary ruling to the Court. A benefit such as that at issue in the main proceedings must be regarded as an ‘old-age benefit’ within the meaning of Article 3(1)(d) of Regulation No 883/2004.

Creator: European Court of Justice (ECJ)

Verdict at: 2018-05-30

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