

SUMMARY

ECJ 25 July 2018, C-679/16 (A), Social Insurance

A (Intervener: Espoon kaupungin sosiaali- ja terveyslautakunnan yksilöasioiden jaosto), Finnish case

Questions

Must Article 3(1)(a) of Regulation No 883/2004 be interpreted as meaning that a benefit such as the personal assistance at issue in the main proceedings, which entails, inter alia, covering the costs to which a severely disabled person's everyday activities give rise, with the aim of enabling that person, who is not economically active, to study in higher education, falls within the concept of 'sickness benefit' within the meaning of that provision?

In the event of the personal assistance at issue in the main proceedings not being encompassed by the concept of 'sickness benefits' and therefore falling outside the scope of Regulation No 883/2004, do Articles 20 and 21 TFEU preclude the home municipality of a resident of a Member State who is severely disabled from refusing to grant that person a benefit such as the personal assistance at issue in the main proceedings on the ground that he is staying in another Member State in order to pursue his higher education studies there?

Ruling

Article 3(1)(a) 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, as amended by Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009, must be interpreted as meaning that a benefit such as the personal assistance at issue in the main proceedings, which entails, inter alia, covering the costs to which a severely disabled person's everyday activities give rise, with the aim of enabling that person, who is not economically active, to study in higher education, does not fall within the concept of 'sickness benefit'

within the meaning of that provision and is therefore outside the scope of Regulation No 883/2004.

Articles 20 and 21 TFEU preclude the home municipality of a resident of a Member State who is severely disabled from refusing to grant that person a benefit, such as the personal assistance at issue in the main proceedings, on the ground that he is staying in another Member State in order to pursue his higher education studies there.

Creator: European Court of Justice (ECJ)

Verdict at: 2018-07-25

Case number: C-679/16