

SUMMARY

ECJ 25 October 2018, C-451/17 (Walltopia), Social insurance (BU)

‘Walltopia’ AD – v – Direktor na Teritorialna direksia na Natsionalnata agentsia za prihodite – Veliko Tarnovo, Bulgarian case

Question

Must Article 14(1) of Regulation No 987/2009, read together with Article 12(1) of Regulation No 883/2004, be interpreted as meaning that an employee recruited with a view to being posted to another Member State must be regarded as having been ‘immediately before the start of his employment ... already subject to the legislation of the Member State in which his employer is established’, within the meaning of Article 14(1) of Regulation No 987/2009, if just before the start of his employment, and even though he did not have the status of an insured person under that legislation, he was a national of that Member State and his residence, within the meaning of Article 1(j) of Regulation No 883/2004, was in that Member State?

Ruling

Article 14(1) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, read together with Article 12(1) 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 (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012, must be interpreted as meaning that an employee recruited with a view to being posted to another Member State must be regarded as having been ‘just before the start of his employment ... already subject to the legislation of the Member State in which his employer is established’, within the meaning of Article 14(1) of Regulation No 987/2009, even if that employee was not an insured person under the legislation of that Member State immediately before the start of his employment, if, at that time, that employee had his residence in that Member State, which is for the referring

court to ascertain.

Creator: European Court of Justice (ECJ)

Verdict at: 2018-10-25

Case number: C-451/17