

SUMMARY

ECJ 24 January 2019, C-477/17 (Holiday on Ice), Social insurance

Raad van bestuur van de Sociale Verzekeringsbank – v – D. Balandin, I. Lukachenko, Holiday on Ice Services BV, Dutch case

Question

Must Article 1 of Regulation No 1231/2010 be interpreted as meaning that third country nationals, such as those at issue in the main proceedings, who temporarily reside and work in different Member States in the service of an employer established in a Member State, may rely on the coordination rules laid down by Regulations Nos 883/2004 and 987/2009 in order to determine the social security legislation to which they are subject?

Ruling

Article 1 of Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality must be interpreted as meaning that third country nationals, such as those at issue in the main proceedings, who temporarily reside and work in different Member States in the service of an employer established in a Member State, may rely on the coordination rules laid down by Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for Regulation No 883/2004, in order to determine the social security legislation to which they are subject, provided that they are legally staying and working in the territory of the Member States.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-01-24

Case number: C-477/17