

SUMMARY

ECJ 14 March 2019, case C-134/18 (Vester), Social insurance

Maria Vester – v – Rijksinstituut voor ziekte- en invaliditeitsverzekering, Belgian case

Question

Must Articles 45 and 48 TFEU be interpreted as precluding a situation, such as that at issue in the main proceedings, in which a worker who, after a one-year period of incapacity to work, is granted invalidity status by the competent institution of the Member State in which he resides without being entitled to invalidity benefits on the basis of the legislation of that Member State, is required, by the competent institution of the Member State in which he completed all his insurance periods, to complete an additional one-year period of incapacity to work in order to be granted invalidity status and entitlement to pro-rata invalidity benefits, without, however, receiving any invalidity benefits during that period.

Ruling

Articles 45 and 48 TFEU must be interpreted as precluding a situation, such as that at issue in the main proceedings, in which a worker who is unfit to work for one year and who has been granted invalidity status by the competent institution of the Member State of his residence, without being entitled to receive invalidity benefits on the basis of the law of that Member State, is required by the competent institution of the Member State in which he completed all his insurance periods to complete an additional one-year period of incapacity to work in order to be granted invalidity status and receive pro-rata invalidity benefits, without receiving any benefits for incapacity to work during that period.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-03-14

Case number: C-134/18