

SUMMARY

ECJ 18 December 2019, case C-447/18 (UB), Social insurance

UB – v – Generálny riaditeľ Sociálnej poisťovne Bratislava, Slovakian case

Summary

Additional benefits paid to high-level sportspersons who have represented a Member State or its legal predecessors are not ‘old-age benefits’ within the meaning of Article 3(1)(d) of Regulation 883/2004, but Article 7(2) of Regulation 492/2011 preclude that they are made conditional of having the nationality of that Member State.

Question

Are Article 1(w) and Articles 4 and 5 of Regulation No 883/2004, read in conjunction with Article 34(1) and (2) of the Charter, to be interpreted as precluding legislation of a Member State which makes receipt of an additional benefit introduced for certain high-level sportspersons who have represented that Member State or its legal predecessors in international sporting competitions conditional upon, in particular, the person applying for the benefit having the nationality of that Member State?

Ruling

Article 3(1)(d) 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 must be interpreted as meaning that an additional benefit paid to certain high-level sportspersons who have represented a Member State or its legal predecessors in international sporting competitions is not covered by the ‘old-age benefit’ referred to in that provision and, consequently, falls outside the scope of that regulation.

Article 7(2) of Regulation (EU) No 492/2011 of the European Parliament and of the Council of

5 April 2011 on freedom of movement for workers within the Union must be interpreted as precluding legislation of a Member State which makes receipt of an additional benefit introduced for certain high-level sportspersons who have represented that Member State or its legal predecessors in international sporting competitions conditional upon, in particular, the person applying for the benefit having the nationality of that Member State.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-12-18

Case number: C-447/18