

SUMMARY

ECJ 5 March 2020, case C-135/19 (Pensionsversicherungsanstalt), Social insurance

Pensionsversicherungsanstalt - v - CW, Austrian case

Summary

Austrian rehabilitation allowance qualifies as a sickness benefit within the meaning of Article 3(1)(a) of Regulation No 883/2004. Denial of that benefit found possible.

Questions

Is a benefit such as the rehabilitation allowance at issue in the main proceedings a sickness benefit, an invalidity benefit or an unemployment benefit, within the meaning of Article 3(1)(a), (c) and (h) of Regulation No 883/2004?

Must Regulation No 883/2004 be interpreted as precluding a situation, such as that at issue in the main proceedings, in which a person who has ceased to be insured under the social security system of his or her Member State of origin after ceasing to be employed there and moving his or her place of residence to another Member State, where he or she worked and completed the majority of his or her periods of insurance, is refused a benefit such as the rehabilitation allowance at issue in the main proceedings by the competent institution of his or her Member State of origin?

Ruling

A benefit such as the rehabilitation allowance at issue in the main proceedings is a sickness benefit, within the meaning of 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 (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012.

Regulation No 883/2004, as amended by Regulation No 465/2012, must be interpreted as not precluding a situation in which a person who has ceased to be insured under the social security system of his or her Member State of origin after ceasing to be employed there and moving his or her place of residence to another Member State, where he or she worked and completed the majority of his or her periods of insurance, is refused a benefit such as the rehabilitation allowance at issue in the main proceedings by the competent institution of his or her Member State of origin, since that person is subject not to the legislation of the State of origin but to that of the Member State in which his or her place of residence is situated.

Creator: European Court of Justice (ECJ)

Verdict at: 2020-03-05

Case number: C-135/19