

SUMMARY

ECJ 14 May 2020, case C-17/19 (Bouygues travaux publics and Others), Social Insurance

Bouygues travaux publics, Elco construct Bucurest, Welbond armatures - criminal proceedings, French case

Summary

In case C-17/19 (Bouygues travaux publics and Others), the ECJ found that an E-101 Certificate, issued by the competent institution of a Member State, to workers employed in the territory of another Member State, and an A-1 Certificate, issued by that institution to such workers, are binding on the courts or tribunals of the latter Member State solely in the area of social security.

Question

Must Article 11(1)(a), Article 12a(2)(a) and (4)(a) of Regulation No 574/72 and Article 19(2) of Regulation No 987/2009 be interpreted as meaning that an E 101 Certificate, issued by the competent institution of a Member State, pursuant to Article 14(1)(a) or Article 14(2)(b) of Regulation No 1408/71, to workers employed in the territory of another Member State, and an A 1 Certificate, issued by that institution under Article 12(1) or Article 13(1) of Regulation No 883/2004, to such workers, are binding on the courts or tribunals of the latter Member State not only in the area of social security, but also in the area of employment law?

Ruling

Article 11(1)(a), Article 12a(2)(a) and (4)(a) of Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community, in the version amended and updated by Council

Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005 and Article 19(2) 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, must be interpreted as meaning that an E 101 Certificate, issued by the competent institution of a Member State, under Article 14(1)(a) or Article 14(2)(b) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community, in the version amended and updated by Regulation No 118/97, as amended by Council Regulation (EC) No 1606/98 of 29 June 1998, to workers employed in the territory of another Member State, and an A 1 Certificate, issued by that institution, under Article 12(1) or Article 13(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 (EC) No 465/2012 of the European Parliament and of the Council of 22 May 2012, to such workers, are binding on the courts or tribunals of the latter Member State solely in the area of social security.

Creator: European Court of Justice (ECJ)

Verdict at: 2020-05-14

Case number: C-17/19