

SUMMARY

ECJ 19 May 2022, case C-33/21 (Ryanair DAC), Social Insurance

Flight and cabin crew not covered by E101 certificates who work for 45 minutes per day in an airline's premises intended to be used by staff located at Bergamo airport and who are on board that airline's aircraft the rest of the time, are subject to Italian social security legislation.

Summary

Flight and cabin crew not covered by E101 certificates who work for 45 minutes per day in an airline's premises intended to be used by staff located at Bergamo airport and who are on board that airline's aircraft the rest of the time, are subject to Italian social security legislation. The ECJ's summary of the case is available on <https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-05/cp220088en.pdf>.

Question

What is, in accordance with the relevant provisions of Regulation No 1408/71 and Regulation No 883/2004, in its two versions, the social security legislation applicable to flight and cabin crew of an airline, established in one Member State, where that crew is not covered by E101 certificates and where that crew works for 45 minutes per day in premises intended to be used by staff, known as the 'crew room' which that airline has in the territory of another Member State in which that flight and cabin crew reside, and, for the remaining working time, that crew is on board that airline's aircraft?

Ruling

Article 14(2)(a)(i) of 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 members of 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 631/2004

of the European Parliament and of the Council of 31 March 2004, Article 13(1)(a) and Article 87(8) 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 988/2009 of the European Parliament and of the Council of 16 September 2009, and subsequently by Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012, and Article 11(5) of Regulation No 883/2004, as amended by Regulation No 465/2012 must be interpreted as meaning that the social security legislation applicable to the flight and cabin crew of an airline, established in a Member State, which crew is not covered by E101 certificates and which work for 45 minutes per day in premises intended to be used by staff, known as the 'crew room', which that airline has in the territory of another Member State in which that flight and cabin crew reside and, which for the remaining working time, are on board that airline's aircraft is the legislation of the latter Member State.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-05-19

Case number: C-33/21