

SUMMARY

## **ECJ 16 November 2023, case C-415/22 (Acerta and Others), Social Insurance**

### ***JD – v – Acerta, Inasti, Belgian State, Belgian case***

#### **Summary**

National legislation of a Member State which subjects the income of an EU official who has remained in the service of an institution until pensionable age and who pursues a self-employed professional activity in that Member State to the social security scheme of that State infringes the exclusive competence of the EU to determine the rules applicable to EU officials as regards their social security obligations.

#### **Question**

Must Article 14 of the Protocol (No 7) on the privileges and immunities of the European Union and the provisions of the Staff Regulations, in particular Article 72 thereof, be interpreted as precluding the compulsory affiliation, under the scheme of a Member State, to the social security scheme of that State of an EU official who has remained in the service of an institution of the European Union until pensionable age and who pursues a self-employed professional activity in the territory of that Member State?

#### **Ruling**

Article 14 of the Protocol (No 7) on the privileges and immunities of the European Union and the provisions of the Staff Regulations, in particular Article 72 thereof, must be interpreted as precluding the compulsory affiliation, under the legislation of a Member State, to the social security schema of that State of an EU official who has remained in the service of an EU institution until pensionable age and who pursues a self-employed professional activity in the territory of that Member State.

**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2023-11-16

**Case number:** C-415/22