

SUMMARY

# **ECJ 26 September 2024, case C-329/23 (Sozialversicherungsanstalt), social insurance**

## ***Sozialversicherungsanstalt der Selbständigen – v – W M, Austrian case***

### **Summary**

Regulation No 1408/71 and Regulation No 883/2004 in conjunction with Regulation No 987/2009 are applicable to a situation in which a worker simultaneously pursues activities as a self-employed person in an EU Member State, an EFTA State and the Swiss Confederation. The applicable social security legislation must be determined separately.

### **Question**

Must Regulation No 1408/71 and Regulation No 883/2004 in conjunction with Regulation No 987/2009 be interpreted as being applicable to a situation in which an EU citizen – who simultaneously pursues occupational activities as a self-employed person in an EU Member State and an EFTA State, which is a party to the EEA Agreement – takes up an additional occupational activity as a self-employed person in Switzerland? If so, is it necessary to determine the social security legislation applicable pursuant to those regulations to such a situation separately, namely, on the one hand, on the basis of the EEA Agreement as regards relations between the Member State and the EFTA State, which is a party to the EEA Agreement, and, on the other, on the basis of the AFMP as regards relations between the Member State of the European Union and the Swiss Confederation?

### **Ruling**

Regulation No 1408/71 and Regulation No 883/2004 in conjunction with Regulation No 987/2009 must be interpreted as being applicable, under the Agreement on the European Economic Area of 2 May 1992, as amended by the Agreement on the participation of the

Republic of Bulgaria and Romania in the European Economic Area and the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, signed in Luxembourg on 21 June 1999, to a situation in which an EU citizen – who simultaneously pursues occupational activities as a self-employed person in an EU Member State and a State of the European Free Trade Association, which is a party to the Agreement on the European Economic Area – takes up an additional occupational activity as a self-employed person in Switzerland. It is necessary, in accordance with the relevant provisions of those regulations, to determine the applicable social security legislation separately: on the one hand, within the context of the Agreement on the European Economic Area and, on the other, within the context of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons.

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

**Verdict at:** 2024-09-26

**Case number:** C-329/23