

SUMMARY

Case C-370/17. Social security

Is the effect of an E 101 certificate issued, in accordance with Article 11(1) and Article 12a(1a) of Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation 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, 1 by the institution designated by the authority of the Member State whose social security legislation remains applicable to the situation of the employee to be preserved even though the E 101 certificate has been obtained as a result of fraud or an abuse of right, which has been established in a final decision of a court of the Member State in which the employee carries out or should carry out his activity?

If the answer to that question is in the affirmative, does the issuing of E 101 certificates prevent the victims of the damage suffered as a result of the conduct of the employer, who has committed the fraud, from being compensated for that damage, without the affiliation of the employees to the schemes designated by the E 101 certificate being called into question by the action for damages brought against the employer?

Creator: European Court of Justice (ECJ)

Verdict at: 2017-06-19

Case number: C-370/17