

**S.à r.l. Manpower**  
**v Caisse primaire d'assurance maladie, Strasbourg**  
**(Reference for a preliminary ruling by the Commission de première**  
**instance du contentieux de la sécurité sociale et de la mutualité**  
**sociale agricole du Bas-Rhin)**

Case 35/70

Summary

*Social security for migrant workers — Legislation applicable — Criteria for determining such legislation — Employer's establishment — Place where the activity of the undertaking is normally carried on*  
(Regulation No 3 of the Council, Article 13 (1) (a))

*Social security for migrant workers — Legislation applicable — Determination — Temporary work performed on behalf of an undertaking hiring out labour with another undertaking of another Member State*  
(Regulation No 3 of the Council, Article 13 (1) (a))

The reference made by Article 13(1)(a) to the establishment situated in the State where the undertaking is established and to which the worker is normally attached is meant essentially to limit the applicability of that provision to those workers engaged by undertakings normally pursuing their activity in the territory of the State in which they are established.

The provisions of Article 13(1)(a) of

Regulation (EEC) No 3 of the Council on social security for migrant workers are applicable to a worker who is engaged by an undertaking pursuing its activity in a Member State, is paid by that undertaking, is answerable to it for misconduct, is able to be dismissed by it and who on behalf of the undertaking performs work temporarily in another undertaking in another Member State.

In Case 35/70

Reference to the Court under Article 177 of the EEC Treaty by the Commission de première instance du contentieux de la sécurité sociale et de la mutualité sociale agricole du Bas-Rhin for a preliminary ruling in the action pending before that court between

S.A R.L. MANPOWER, Strasbourg regional centre,

<sup>1</sup> — Language of the Case: French.