

**Case C-154/05**

**J.J. Kersbergen-Lap and D. Dams-Schipper**

**v**

**Raad van Bestuur van het Uitvoeringsinstituut  
Werknemersverzekeringen**

(Reference for a preliminary ruling from the Rechtbank te Amsterdam)

(Social security for migrant workers — Regulation (EEC) No 1408/71 —  
Article 4(2a), Article 10a and Annex IIa — Special non-contributory benefits —  
Netherlands benefit for disabled young people — Non-exportability)

Judgment of the Court (Third Chamber), 6 July 2006 . . . . . 1 - 6251

Summary of the Judgment

*Social security for migrant workers — Special non-contributory benefits  
(Council Regulation No 1408/71, Arts 4(2a) and 10a, and Annexe IIa)*

A benefit under the *Wet arbeidsongeschiktheidsvoorziening jonggehandicapten* (Netherlands law on provision of incapacity benefit to disabled young people), referred to in Annex IIa to Regulation No 1408/71, as amended and updated by Regulation No 118/97, as amended by Regulation No 307/1999, must be regarded as a special non-contributory benefit within the meaning of Article 4(2a) of Regulation No 1408/71 in so far as, first, it constitutes a replacement allowance intended for those who do not satisfy the conditions of insurance for obtaining invalidity benefit under Article 4(1)(b) of that regulation and is by its nature social assistance justified on economic and

social grounds and, secondly, the grant of that benefit is not conditional upon the recipient also being eligible for another contributory social security benefit. It follows that only the coordinating provision in Article 10a of that regulation must be applied and that, accordingly, that benefit cannot be paid to any person residing outside the State providing it.

(see paras 31, 34, 37, 38, 44, operative part)