



C/2024/521

8.1.2024

**Judgment of the Court (Second Chamber) of 16 November 2023 (request for a preliminary ruling from the Sąd Najwyższy — Poland) — Zakład Ubezpieczeń Społecznych Oddział w Toruniu v TE**

**(Case C-422/22, <sup>(1)</sup> Zakład Ubezpieczeń Społecznych Oddział w Toruniu)**

***(Reference for a preliminary ruling — Migrant workers — Social security — Legislation applicable — Regulation (EC) No 987/2009 — Articles 5, 6 and 16 — A1 certificate — Inaccuracy of the particulars — Withdrawal on the initiative of the issuing institution — Obligation for the issuing institution to initiate a dialogue and conciliation procedure with the competent authority of the host Member State — None)***

(C/2024/521)

Language of the case: Polish

### Referring court

Sąd Najwyższy

### Parties to the main proceedings

*Applicant:* Zakład Ubezpieczeń Społecznych Oddział w Toruniu

*Defendant:* TE

### Operative part of the judgment

Articles 5, 6 and 16 of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, as amended by Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012

must be interpreted as meaning that the institution that issued an A1 certificate which, following a review of its own motion of the evidence on which the issue of that certificate is based, finds that evidence to be incorrect, may withdraw that certificate without first initiating the dialogue and conciliation procedure laid down in Article 76(6) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as amended by Regulation No 465/2012, with the competent institutions of the Member States concerned with a view to determining the national legislation applicable.

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<sup>(1)</sup> OJ C 380. 3.10.2022.