

JUDGMENT OF THE COURT**of 24 January 2023****in Case E-5/22****Christian Maitz v Liechtensteinische Alters- und Hinterlassenenversicherung, Liechtensteinische Invalidenversicherung, and Liechtensteinische Familienausgleichskasse**

(Social security – Regulation (EC) No 883/2004 – Regulation (EC) No 987/2009 – Residence in a third country – Self-employed person – Applicability of EEA law – Recommendation of the Administrative Commission – Article 3 EEA – Principle of sincere cooperation)

(2023/C 158/05)

In Case E-5/22, Christian Maitz v Liechtensteinische Alters- und Hinterlassenenversicherung, Liechtensteinische Invalidenversicherung, and Liechtensteinische Familienausgleichskasse – REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by the Princely Court of Appeal (*Fürstliches Obergericht*), concerning the interpretation 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 and 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, the Court, composed of Páll Hreinsson, President (Judge-Rapporteur), Bernd Hammermann and Ola Mestad (ad hoc), Judges, gave judgment on 24 January 2023, the operative part of which is as follows:

1. It is not a condition under Article 2(1) of Regulation (EC) No 883/2004 on the coordination of social security systems for nationals of an EEA State to also be resident in an EEA State in order to be covered by the personal scope of that regulation.

An agreement concluded by an EEA State with a third country, which aims to extend the scope of application of Regulation (EC) No 883/2004 to that third country, cannot impose the residence of an individual as a condition deviating from Articles 2(1) and 11 of that regulation.

2. Article 19(2) of Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 must be interpreted as not requiring an attestation to be issued exclusively in the form of a Portable Document A1 in order to produce the legal effects set out in Article 5(1) of that regulation.
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