

**Judgment of the Court (Eighth Chamber) of 5 March 2020 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Pensionsversicherungsanstalt v CW**

(Case C-135/19) <sup>(1)</sup>

*(Reference for a preliminary ruling — Social security for migrant workers — Coordination of social security systems — Regulation (EC) No 883/2004 — Articles 3 and 11 — Matters covered — Benefits falling within the scope of the regulation — Classification — Sickness benefit — Invalidity benefit — Unemployment benefit — Person who has ceased to be insured under the social security system of a Member State after ceasing to be employed there and moving his or her place of residence to another Member State — Application for a rehabilitation allowance in the former Member State of residence and employment — Refusal — Determination of the legislation applicable)*

(2020/C 161/16)

Language of the case: German

**Referring court**

Oberster Gerichtshof

**Parties to the main proceedings**

*Applicant:* Pensionsversicherungsanstalt

*Defendant:* CW

**Operative part of the judgment**

1. A benefit such as the rehabilitation allowance at issue in the main proceedings is a sickness benefit, within the meaning of Article 3(1)(a) 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 (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012.
2. Regulation No 883/2004, as amended by Regulation No 465/2012, must be interpreted as not precluding a situation in which a person who has ceased to be insured under the social security system of his or her Member State of origin after ceasing to be employed there and moving his or her place of residence to another Member State, where he or she worked and completed the majority of his or her periods of insurance, is refused a benefit such as the rehabilitation allowance at issue in the main proceedings by the competent institution of his or her Member State of origin, since that person is subject not to the legislation of the State of origin but to that of the Member State in which his or her place of residence is situated.

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<sup>(1)</sup> OJ C 172, 20.5.2019.

**Judgment of the Court (Ninth Chamber) of 27 February 2020 — European Commission v Hellenic Republic**

(Case C-298/19) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Directive 91/676/EEC — Protection of waters against pollution caused by nitrates from agricultural sources — Judgment of the Court establishing a failure to fulfil obligations — Non-compliance — Article 260(2), TFEU — Pecuniary penalties — Lump sum)*

(2020/C 161/17)

Language of the case: Greek

**Parties**

*Applicant:* European Commission (represented by: M. Konstantinidis and E. Manhaeve, acting as Agents)