

V

(Announcements)

COURT PROCEEDINGS

EFTA COURT

JUDGMENT OF THE COURT

of 14 May 2019

in Case E-2/18

C

v

Concordia Schweizerische Kranken- und Unfallversicherung AG, Landesvertretung Liechtenstein

(Regulation (EC) No 883/2004 — Article 24 — Pensioner residing outside the competent State — Benefits in kind in the place of residence — Reimbursement procedure)

(2019/C 315/04)

In Case E-2/18, C v Concordia Schweizerische Kranken- und Unfallversicherung AG, Landesvertretung Liechtenstein — 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 Liechtenstein (*Fürstliches Landgericht*) 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, Páll Hreinsson, President, Per Christiansen (Judge-Rapporteur) and Bernd Hammermann, Judges, gave judgment on 14 May 2019, the operative part of which is as follows:

1. When a pensioner is not entitled to benefits in kind in the EEA State of residence, due to the fact that the benefits fall outside the scope of its social security system, the pensioner is entitled, pursuant to Article 24(1) 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, to receive benefits in kind at the expense of the competent institution in the EEA State under whose legislation the pension is paid.
2. The pensioner has a right to submit claims for reimbursement directly to the competent institution in the EEA State under whose legislation the pension is paid, in particular, but not only, if he has been refused reimbursement by the State of residence. In accordance with Article 22(1) 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 and Article 76(4) of Regulation (EC) No 883/2004, if the competent institution does not provide the pensioner with information as to the procedure to be followed, that must not adversely affect the pensioner's rights vis-à-vis the institution.