EFTA COURT

Request for an Advisory Opinion from the EFTA Court by the Fürstliches Landgericht dated 13 July 2018 in the case of C v Concordia Schweizerische Kranken- und Unfallversicherung AG, Landesvertretung Liechtenstein

(Case E-2/18)

A request has been made to the EFTA Court by a letter dated 13 July 2018 from the Fürstliches Landgericht (Princely Court), which was received at the Court Registry on 17 July 2018, for an Advisory Opinion in the case of C v Concordia Schweizerische Kranken- und Unfallversicherung AG, Landesvertretung Liechtenstein on the following questions:

1. **Does Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems merely lay down a minimum framework which must be complied with in order to prevent distortions of competition or are the rules of that regulation mandatory in so far as they also affect and restrict benefit obligations to be performed worldwide under the insurance contract? Is Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems applicable to social insurance systems which merely oblige workers to demonstrate adequate health insurance but allow them, by way of contractual autonomy, to choose between several different insurers governed by private law and only require proof that an appropriate insurance contract has been concluded?**

2.(a) **Is a policyholder required, on account of the validity 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 submit invoices which are covered by the insurance contract concluded within the framework of the statutory health insurance scheme to the social insurance institution in his place of residence, with the result that the social insurance institution which is situated in the Member State responsible for payment of the pension can be made liable for payment only once the institution in his place of residence has refused to pay or can a policyholder none the less rely on his rights under the insurance contract?**

(b) **If, in accordance with point (a), it is not possible for the policyholder to rely on the insurance contract:**

Is that also the case where the insurance contract is concluded within the framework of the statutory insurance requirement but the contractual insurance goes beyond the minimum required by law and has thus been concluded to some extent 'voluntarily'?

3. **If policyholders are obliged, in accordance with Question 2, to submit invoices first to the institution in their State of residence:**

(a) **Does this also apply to an insured person who has already been provided benefits under the contractual relationship for several years or is reliance by the social insurance scheme on Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems contrary to the principle of good faith?**

(b) **Is a social insurance scheme entitled, relying on 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 make claims for recovery to an insured person because in the past it has provided insurance cover in excess of the level specified in the regulation, that is to say, it has provided benefits which do not have to be paid under the rules of that regulation, or it is contrary to the principle of good faith to make claims for recovery?**

(c) **Does, in the light 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, the provision of benefits by the social insurance scheme, without invoices having been submitted through the social insurance institution in the place of residence, also entitle the policyholder to the future provision of benefits, without the need to submit invoices through the social insurance institution in the place of residence?**