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### **Judgment in Case E-2/18 C v *Concordia Schweizerische Kranken- und Unfallversicherung AG, Landesvertretung Liechtenstein***

**A pensioner who is not entitled to benefits in kind in the EEA State of residence, because the benefits fall outside the scope of its social security system, is entitled to receive such benefits at the expense of the competent institution in the EEA State under whose legislation the pension is paid**

In a judgment delivered today, the Court answered questions referred to it by the Princely Court of Liechtenstein (*Fürstliches Landgericht*) in a case concerning the interpretation of Regulation (EC) 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (“The Basic Regulation”), 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 (OJ 2009 L 284, p. 1) (“the Implementing Regulation”).

C is a Spanish national residing in Spain since 1 June 2003. He suffers from mental and physical disorders of a chronic nature. He receives a disability pension from, and has a mandatory health insurance in, Liechtenstein having worked there from 1977 to 1999, and resided there until 31 May 2003. The insurance provides for the mandatory cover prescribed by Liechtenstein law and additional benefits, including the free choice of doctor worldwide (under the so called “OKP Plus scheme”). For several years C received benefits in kind in various private healthcare institutions outside the national health system in Spain, at the expense of his insurance company, Concordia. In 2017, Concordia issued two orders according to which it would only cover C’s costs at the private healthcare institutions for a specified period. After that period, C was required to claim reimbursement of benefits in kind received in Spain from the Spanish National Social Security Institution (“the Spanish institution”). Invoices rejected partly or fully by the Spanish institution could then be submitted to Concordia. C challenged Concordia’s two orders before the national court.

The national court referred questions to the Court which sought to clarify whether Article 24 of the Basic Regulation provides a mandatory procedure for the provision of benefits in kind to an insured person who receives a pension from one EEA State but resides in another EEA State, where the State of residence has refused benefits in kind to the pensioner because those benefits fall outside the scope of its social security system.

The Court held that when a pensioner is not entitled to benefits in kind in the EEA State of residence because the benefits fall outside the scope of its social security system, the pensioner is entitled, pursuant to Article 24(1) of the Basic Regulation, to receive the benefits in kind at the expense of the competent institution in the EEA State under whose legislation the pension is paid. Moreover, 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. The Court also held on the basis of both the Implementing Regulation and the Basic Regulation that if the competent institution does not provide the pensioner with information as to the

reimbursement procedure to be followed, that must not adversely affect the pensioner's rights vis-à-vis the institution.

The full text of the judgment may be found on the internet at: [www.eftacourt.int](http://www.eftacourt.int).

This press release is an unofficial document and is not binding upon the Court.