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Judgment in Case E-5/22 *Christian Maitz v Liechtensteinische Alters- und Hinterlassenenversicherung, Liechtensteinische Invalidenversicherung and Liechtensteinische Familienausgleichskasse*

**INTERPRETATION OF THE PERSONAL SCOPE OF REGULATION 883/2004
AND ISSUANCE OF FORM PORTABLE DOCUMENT A1**

In a judgment delivered today, the Court answered questions referred to it by the Princely Court of Appeal (*Fürstliches Obergericht*) concerning the interpretation of Regulation (EC) No 883/2004 on the coordination of social security systems (“Regulation 883/2004”) and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (“Regulation 987/2009”).

The case in the main proceedings concerns an appeal brought by Christian Maitz against a decision that declined his request for a form Portable Document (“PD”) A1. Mr Maitz is an Austrian national working as a lawyer in Liechtenstein and residing in Switzerland. The Liechtenstein Institutions (AHV-IV-FAK) determined that Mr Maitz’s income from his activities in Liechtenstein was liable to mandatory pension and benefits contributions payable in Liechtenstein. Mr Maitz is also a member of the Vienna Bar Association and liable to pay contributions to the Austrian pension institutions. To be exempted from paying contributions in both EEA States, Mr Maitz is required to submit to the Vienna Bar Association a form PD A1 from Liechtenstein as an attestation of the national legislation applicable to him. According to the Liechtenstein Institutions they could not issue a form PD A1 to Mr Maitz since he resides in Switzerland and that accordingly Regulation 883/2004 does not apply to him. In addition, the Liechtenstein Institutions further considered themselves not obliged to provide such an attestation by means of a form PD A1. In the appeal proceedings, the Liechtenstein Institutions offered to issue an official attestation in place of a form PD A1.

By its first question, the referring court asked whether it is a condition under Article 2(1) of Regulation 883/2004 that, in addition to being a national of an EEA State and being subject to the legislation of one or more EEA States, a person must also be resident in an EEA State in order to be within the personal scope of that regulation. The Court found that there was no such condition. The referring court further asked whether an agreement concluded by an EEA State with a third country, which aims to extend the scope of application of Regulation 883/2004 to that third country, could change that first answer. The Court held that such an agreement on social security cannot impose the residence of an individual as a condition deviating from Articles 2(1) and 11 of that regulation.

By its second question, the referring court asked whether an attestation within the meaning of Article 19(2) of Regulation 987/2009 must necessarily be issued by means of form PD A1 in order to produce the legal effects specified in Article 5(1) of that regulation. The Court found that Article 19(2) does not require an attestation to be issued exclusively in the form of a PD A1 in order to produce the legal effects set out in Article 5(1) of that regulation.

The full text of the judgment may be found on the Court’s website: www.eftacourt.int.

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