

ECJ 28 October 2021, case C-636/19 (CAK), Social Insurance

Y – v – Centraal Administratie Kantoor, Dutch case

Question

Must Article 3(b)(i) and Article 7(1) of Directive 2011/24, read in combination with Article 1(c) and Article 2 of Regulation No 883/2004, be interpreted as meaning that a person in receipt of a pension under the legislation of a Member State, who has a right, under Article 24 of that regulation, to the benefits in kind provided by the Member State of his or her residence at the expense of the Member State responsible for paying his or her pension, must be regarded as an ‘insured person’, within the meaning of Article 7(1) of that directive, who is able to obtain reimbursement of the costs of the healthcare that he or she has received in a third Member State, without being affiliated to the compulsory sickness insurance scheme of the Member State responsible for paying his or her pension?

Ruling

Article 3(b)(i) and Article 7(1) of Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients’ rights in cross-border healthcare, read in combination with Article 1(c) and Article 2 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 (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009, must be interpreted as meaning that the person in receipt of a pension under the legislation of a Member State, who has a right, under Article 24 of that regulation, as amended, to the benefits in kind provided by the Member State of his or her residence at the expense of the Member State responsible for paying his or her pension, must be regarded as an ‘insured person’, within the meaning of Article 7(1) of that directive, who is able to obtain reimbursement of the costs of the cross-border healthcare that he or she has received in a third Member State, without being affiliated to the compulsory sickness insurance scheme of the Member State responsible for paying his or her pension.

ECJ 28 October 2021, case C-909/19 (Unitatea Administrativ Teritorială D.), Working Time

BX – v – Unitatea Administrativ Teritorială D.,
Romanian case

Summary

Vocational training is working time.

Question

Must Article 2(1) of Directive 2003/88 be interpreted as meaning that the period during which workers attend vocational training required by their employer, which takes place away from their usual place of work, at the premises of the training services provider, during which they do not perform their normal duties, constitutes working time within the meaning of that provision?

Ruling

Article 2(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time must be interpreted as meaning that the period during which a worker attends vocational training required by his or her employer, which takes place away from his or her usual place of work, at the premises of the training services provider, during which he or she does not perform his or her normal duties, constitutes ‘working time’ within the meaning of that provision.