

workers within the Union must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, under which, for the purposes of determining whether a worker with 25 years of professional experience is entitled to an increase in his paid annual leave from five to six weeks, the years of service completed with one or more employers prior to the start of the worker's period of service with his current employer account for only a maximum of five years of professional experience, even if their actual number is more than five.

## ECJ 14 March 2019, case C-134/18 (Vester), Social insurance

Maria Vester – v – Rijksinstituut voor ziekte- en invaliditeitsverzekering, Belgian case

### Summary

A migrant worker who has been granted invalidity status by the Member State of his residence while he is not entitled to receive invalidity benefits, cannot be required by the Member State in which he completed his insurance periods to complete an additional one-year period of incapacity to work in order to be granted invalidity status there, and receive invalidity benefits, without receiving any benefits for incapacity to work during that period.

### Question

Must Articles 45 and 48 TFEU be interpreted as precluding a situation, such as that at issue in the main proceedings, in which a worker who, after a one-year period of incapacity to work, is granted invalidity status by the competent institution of the Member State in which he resides without being entitled to invalidity benefits on the basis of the legislation of that Member State, is required, by the competent institution of the Member State in which he completed all his insurance periods, to complete an additional one-year period of incapacity to work in order to be granted invalidity status and entitlement to pro-rata invalidity benefits, without, however, receiving any invalidity benefits during that period.

### Ruling

Articles 45 and 48 TFEU must be interpreted as precluding a situation, such as that at issue in the main pro-

ceedings, in which a worker who is unfit to work for one year and who has been granted invalidity status by the competent institution of the Member State of his residence, without being entitled to receive invalidity benefits on the basis of the law of that Member State, is required by the competent institution of the Member State in which he completed all his insurance periods to complete an additional one-year period of incapacity to work in order to be granted invalidity status and receive pro-rata invalidity benefits, without receiving any benefits for incapacity to work during that period.

## ECJ 14 March 2019, case C-372/18 (Dreyer), Social insurance

Ministre de l'Action et des Comptes publics – v – Mr and Mrs Raymond Dreyer, French case

### Summary

The personal independence allowance and the disability compensation allowance, must, for the purposes of their classification as 'social security contributions' within the meaning of Article 3 of Regulation No 883/2004, be regarded as granted without any individual assessment of a recipient's personal needs, as the recipient's resources are taken into account for the sole purpose of calculating the actual amount of those benefits on the basis of legally defined, objective criteria.

### Question

Must Article 3 of Regulation No 883/2004 be interpreted as meaning that benefits, such as the APA and the PCH, may, for the purposes of their classification as 'social security contributions' within the meaning of that provision, be regarded as granted without any individual assessment of a recipient's personal needs despite the fact that the calculation of their amount depends on the recipients' level of resources or varies according to their resources?

### Ruling

Article 3 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 must be interpreted as meaning that benefits, such as the personal independence allowance and the disability compensation allowance, must, for the purposes of their classifica-