

Press and Information Division

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Judgment of the Court of Justice in Case C-156/01

*R.P. van der Duin v Onderlinge Waarborgmaatschappij ANOZ Zorgverzekeringen and  
Onderlinge Waarborgmaatschappij ANOZ Zorgverzekeringen v T.W. van Wegberg-van  
Brederode*

**RETIRED PERSONS HAVING CHOSEN TO RESIDE IN A MEMBER STATE  
OTHER THAN THEIR STATE OF ORIGIN MUST APPLY TO THE SICKNESS  
INSURANCE INSTITUTION WITH WHICH THEY ARE REGISTERED IN THEIR  
STATE OF RESIDENCE FOR PRIOR AUTHORISATION IN ORDER TO RECEIVE  
HEALTH CARE IN ANOTHER MEMBER STATE**

*That principle also applies to retired persons who receive medical care in the State liable for  
payment of their pension*

Mr van der Duin left the Netherlands in 1989 to live in France and registered with the local sickness insurance institution. He receives invalidity benefits from the competent Netherlands institution. Being the victim of a serious accident, Mr van der Duin was treated in France for about a year. He was then admitted to Rotterdam University Hospital (Netherlands) for treatment of a post-traumatic dystrophy of the right hand.

Mrs van Wegberg-van Brederode left the Netherlands in 1995 to live in Spain with her husband, who receives a Netherlands pension from the competent Netherlands institutions. They registered with the Spanish sickness insurance institution. Having consulted a Spanish doctor, who prescribed an operation, Mrs van Wegberg-van Brederode went to the Netherlands to be operated upon.

ANOZ Zorgverzekeringen, a Netherlands sickness insurance institution, refused the applications for reimbursement by the two Netherlands hospitals, despite the issuing of a Form E 111 by the local French and Spanish institutions, because the care in question did not satisfy the conditions

laid down in the Community regulation on social security for migrant workers.<sup>1</sup> In this case, the persons concerned should have obtained a Form E 112, required where an insured person wishes to obtain authorisation to move to another Member State in order to receive medical care there, and the sickness insurance institutions in the States of residence refused to issue it retroactively. Mr van der Duin and Mrs van Wegberg-van Brederode brought actions before the Netherlands courts against the refusal by ANOZ Zorgverzekeringen to assume responsibility.

The Centrale Raad van Beroep (Higher Social Security Court) has asked the Court of Justice of the EC which Member State must assume responsibility for the medical care and which sickness insurance institution is competent to issue the prior authorisation in such a situation.

The Court holds that once a pensioner and the members of his or her family **have registered with the competent institution of the Member State of residence**, they benefit, by virtue of the Community regulation, from a right to benefits in kind from that sickness insurance institution just like any other pensioner living in the territory of that Member State.

It follows that the institution which has the authority to authorise those socially insured persons to go to another Member State, including the Member State liable for payment of the pension, in order to receive benefits in kind there under the conditions laid down by the Community regulation, is the institution of the place of residence of the persons concerned. That institution is the one best able to verify in a particular case whether the conditions for issuing prior authorisation are fulfilled.

*Unofficial document for media use; not binding on the Court of Justice.*

*Available in all languages.*

*For the full text of the Judgment, please consult our internet page  
**[www.curia.eu.int](http://www.curia.eu.int)**  
at approximately 3 pm today.*

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<sup>1</sup>

Regulation No 1408/71, amended by Regulation No 2001/83 (OJ 1993 L 230, p. 6)