

Order of the Court (Sixth Chamber) of 24 October 2017 — (request for a preliminary ruling from the Cour d'appel de Colmar — France) — Criminal proceedings against Belu Dienstleistung GmbH & Co KG and Stefan Nikless

(Case C-474/16) ¹

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Identical questions referred for a preliminary ruling — Coordination of social security systems — Regulation (EC) No 883/2004 — Applicable legislation — A1 certificate — Probative value)

Language of the case: French

Referring court

Cour d'appel de Colmar

Parties to the criminal proceedings in the main proceedings

Belu Dienstleistung GmbH & Co KG, Stefan Nikless

Interveners: Syndicat Prism'emploi, Union départementale CGT du Bas-Rhin and Union de recouvrement des cotisations de sécurité sociale et d'allocations familiales d'Alsace (Urssaf), assuming the rights of the Urssaf du Bas-Rhin

Operative part of the order

Article 19 of 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 must be interpreted as meaning that an A1 certificate, issued by the institution designated by the competent authority of a Member State under Article 12(1) and (2) of Regulation (EC) No 883/2004 of the Parliament and of the Council of 29 April 2004 on the coordination of social security systems, is binding on both the social security institutions of the Member State in which the work is carried out and the courts of that Member State, even where it is found by those courts that the conditions under which the worker concerned carries out his activities clearly do not come within the material scope of that provision of Regulation No 883/2004.

¹ OJ C 441, 28.11.2016.