

Case C-351/08 Christian Grimme v Deutsche Angestellten-Krankenkasse, judgment of 12 November 2009

Facts: The applicant was a German national who was a member of the managing board of a Swiss branch of a company established in Germany. Under German law, he would have to contribute to the pension insurance scheme provided for board members of a private company. The applicant had unsuccessfully applied for a derogation from this law. The question was whether this was consistent with the Agreement concluded by the Community and its Member States with Switzerland on the free movement of persons.

Held: In terms of bilateral agreements, the interpretation given to the provisions of Community law concerning the internal market would not be automatically applied by analogy to the interpretation of those bilateral agreements, unless there were express provisions to that effect laid down by the Agreement itself. The Agreement was confined to guaranteeing equal treatment of employed persons who are nationals of a Contracting Party in the territory of another Contracting Party. As it did not cover cases of discrimination by one of the Contracting Parties against its own nationals, it would not avail the applicant.