

ECJ 13 February 2019, case C-179/18 (Rohart), Pension, Social insurance

Ronny Rohart – v – Federale Pensioendienst,
Belgian case

Question

Must Article 4(3) TEU, in conjunction with the Staff Regulations, be interpreted as precluding the legislation of a Member State, such as that at issue in the main proceedings, under which, when determining the pension entitlement of a worker who occupied a position as an employed person in that Member State before becoming an EU official and completed, after becoming an EU official, his compulsory military service in that Member State, that worker is not entitled to have his period of military service treated as equivalent to a period of actual work as an employed person – treatment to which he would have been entitled if, at the time he was called up for military service or for at least one year during the three years following the end of his military service, he had been employed in a position covered by the national pension scheme?

Ruling

Article 4(3) TEU, in conjunction with the Staff Regulations of Officials of the European Union, established by Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission, as amended by Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004, must be interpreted as precluding the legislation of a Member State, such as that at issue in the main proceedings, under which, when determining the pension entitlement of a worker who occupied a position as an employed person in that Member State before becoming an EU official and completed, after becoming an EU official, his compulsory military service in that Member State, that worker is not entitled to have his period of military service treated as equivalent to a period of actual work as an employed person – treatment to which he would have been entitled if, at the time he was called up for military service or for at least one year during the three years following the end of his military service, he had been employed in a position covered by the national pension scheme.

ECJ 7 February 2019, case C-322/17 (Bogatu), Social insurance

Eugen Bogatu – v – Minister for Social Protection,
Irish case

Question

Must Regulation No 883/2004 and, in particular, Article 67, read in conjunction with Article 11(2) thereof, be interpreted as meaning that, in a situation such as that in the main proceedings, in order to be eligible to receive family benefits in the competent Member State, it is necessary for a person to pursue an activity as an employed person in that Member State or to be in receipt of cash benefits from that Member State because or as a consequence of such activity?

Ruling

Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and, in particular, Article 67, read in conjunction with Article 11(2) thereof, must be interpreted as meaning that, in a situation such as that in the main proceedings, in order to be eligible to receive family benefits in the competent Member State, it is not necessary for a person either to pursue an activity as an employed person in that Member State or to be in receipt of cash benefits from that Member State because or as a consequence of such activity.

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ECJ 14 February 2019, case C-154/18 (Horgan), Age discrimination

Tomás Horgan, Claire Keegan – v – Minister for
Education & Skills, Minister for Finance, Minister for
Public Expenditure & Reform, Ireland, Attorney
General, Irish case

Summary

Reduction of teacher salaries based on recruiting date does not constitute indirect discrimination.