

the employer is to forward to the competent public authority a copy of, at least, the elements of the written communication which are provided for in the first subparagraph, point (b), subpoints (i) to (v)?

Case C-45/22, Social Insurance, Pension

HK – v – Service fédéral des Pensions (SFP), reference lodged by the Tribunal du travail francophone de Bruxelles (Belgium) on 20 January 2022

1. Must the rule laid down in Article 55(1)(a) of Regulation (EC) No 883/2004 that the competent institutions are to divide the amounts of the benefit or benefits or other income, as they have been taken into account, by the number of benefits subject to the said rules be interpreted as meaning that the income as such taken into account when applying the rule to prevent overlapping must be divided by the number of survivors' pensions impacted by the rules against overlapping?
2. On the contrary, must the rule laid down in Article 55(1)(a) of Regulation (EC) No 883/2004 that the competent institutions are to divide the amounts of the benefit or benefits or other income, as they have been taken into account, by the number of benefits subject to the said rules be interpreted as meaning that it is not the income as such taken into account when applying the rule to prevent overlapping, but rather it is the portion of the income which exceeds a ceiling in respect of overlapping, as, for example, laid down by the national rule at issue, that must be divided by the number of survivors' pensions impacted by the rules against overlapping?

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Case C-52/22, Age Discrimination, Pension

BF – v – Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau, reference lodged by the Bundesverwaltungsgericht (Austria) on 26 January 2022

Are Article 2(1) and 2(2)(a) and Article 6(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and the principles of legal certainty, maintenance of established rights and effectiveness of EU law to be interpreted as precluding national legislation – such as that at issue in the main proceedings – under which the first adjustment of the retirement pen-

sion of the group of civil servants who became entitled to a retirement pension ('total pension' under the Pensionsgesetz 1965 ('the 1965 Law on pensions')) as from 1 December 2021 at the latest is to be made with effect only from 1 January of the second calendar year following the commencement of entitlement to the retirement pension, whereas the first adjustment of the retirement pension of the group of civil servants who became or will become entitled to a retirement pension ('total pension' under the 1965 Law on pensions) as from 1 January 2022 is to be made with effect already from 1 January of the first calendar year following the commencement of entitlement to the retirement pension?