

ECJ Court Watch – Rulings

ECJ 7 July 2022, case C-576/20 (Pensionsversicherungsanstalt (Périodes d'éducation d'enfants à l'étranger)), Social Insurance

CC – v – Pensionsversicherungsanstalt, Austrian case

Summary

Child-raising periods in another Member State are to be included when determining the old-age pension, provided that the worker worked and paid contributions in the home Member State both before and after transferring the worker's place of residence to another Member State where those child-raising periods were carried out.

Question

Must Article 44(2) of Regulation No 987/2009 be interpreted as meaning that, where, for the purpose of granting an old-age pension, the person concerned does not fulfil the condition of pursuing an activity as an employed or self-employed person imposed by that provision with the consequence that the child-raising periods which that person completed in other Member States are not taken into account by the Member State responsible for payment of that pension, that Member State is nevertheless required to take those periods into account pursuant to Article 21 TFEU?

Ruling

Article 44(2) 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, where, for the purpose of granting an old-age pen-

sion, the person concerned does not fulfil the condition of pursuing an activity as an employed or self-employed person imposed by that provision in order to have taken into account, by the Member State responsible for payment of that pension, child-raising periods completed by that person in other Member States, that Member State is required to take account of those periods pursuant to Article 21 TFEU, provided that that person worked and paid contributions exclusively in that Member State, both before and after transferring that person's place of residence to another Member State where the person carried out those child-raising periods.

ECJ 7 July 2022, joined cases C-257/21 and 258/21 (Coca-Cola European Partners Deutschland), Other Fundamental Rights, Working Time

Coca-Cola European Partners Deutschland GmbH – v – LB and RG, German case

Summary

A provision on supplementary allowance for night work does not implement Directive 2003/88 and hence does not implement Union law within the meaning of Article 51(1) of the Charter.

Question

Is a provision of a collective agreement which provides for a higher supplementary allowance for irregular night work than that established for regular night work implementing Directive 2003/88 for the purposes of Article 51(1) of the Charter?