

SUMMARY

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.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-02-13

Case number: C-179/18