

SUMMARY

ECJ 5 December 2019, joined cases C-398/18 and C-428/18 (Bocero Torrico), Social Insurance

Antonio Bocero Torrico (C|398/18), Jörg Paul Konrad Fritz Bode (C|428/18) - v - Instituto Nacional de la Seguridad Social, Tesorería General de la Seguridad Social, Spanish cases

Questions

Must the provisions of Regulation No 883/2004 must be interpreted as precluding legislation of a Member State which requires, as a condition for a worker to be eligible for an early retirement pension, that the amount of the pension to be received must be higher than the minimum pension that would be due to that worker upon reaching the statutory retirement age under that legislation, the term ‘pension to be received’ being interpreted as referring only to the pension payable by that Member State, and not including any pension which that worker may receive through equivalent benefits payable by one or more other Member States?

Ruling

Article 5(a) of Regulation No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems must be interpreted as precluding legislation of a Member State which requires, as a condition for a worker to be eligible for an early retirement pension, that the amount of the pension to be received must be higher than the minimum pension that would be due to that worker upon reaching the statutory retirement age under that legislation, where the term ‘pension to be received’ is interpreted as referring only to the pension from that Member State, and not including the pension which that worker may receive through equivalent benefits payable by one or more other Member States.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-12-05

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