

SUMMARY

ECJ 22 January 2020, case C-32/19 (Pensionsversicherungsanstalt), Free movement

AT - v - Pensionsversicherungsanstalt, Austrian case

Summary

The requirements to obtain a right of residence by way of working for 12 months in the last 3 years also apply to persons who have reached the pensionable age during that period.

Question

Must Article 17(1)(a) of Directive 2004/38 be interpreted as meaning that, for the purpose of acquiring the right of permanent residence in the host Member State before completion of a continuous period of 5 years of residence, the conditions that the person must have been working in that Member State for at least the preceding 12 months and must have resided in that Member State continuously for more than 3 years apply to workers who, at the time they stop working, have reached the age laid down by the law of that Member State for entitlement to an old age pension?

Ruling

Article 17(1)(a) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC must be interpreted as meaning that, for the purpose of acquiring the right of permanent residence in the host Member State before completion of a continuous period of 5 years of residence, the conditions that a person must have been working in that Member State at least for the preceding 12 months and must have

resided in that Member State continuously for more than 3 years apply to workers who, at the time they stop working, have reached the age laid down by the law of that Member State for entitlement to an old age pension.

Creator: European Court of Justice (ECJ)

Verdict at: 2020-01-22

Case number: C-32/19