

SUMMARY

**ECJ 4 February 2021, Case C-903/19
(Ministre de la Transition écologique
en solidaire en Ministre de l'Action en
des Comptes publics), Pension,
Miscellaneous**

DQ – v –Ministre de la Transition écologique et solidaire, EU Case

Summary

Transfer of the actuarial equivalent of pension rights from the EU pension scheme to a national scheme is possible not only if the employee enters the national administration for the first time, but also if s/he returns to it.

Question

Must Article 11(1) of Annex VIII to the Staff Regulations be interpreted as meaning that the transfer of the actuarial equivalent of retirement pension rights is restricted solely to officials and members of the contract staff who are seconded to a national administration for the first time after having been employed in an EU institution, or whether that transfer may also be requested by those who return to that administration after having performed duties in an EU institution while on non-active status or leave on personal grounds?

Ruling

Article 11(1) of Annex VIII to the Staff Regulations of Officials of the European Union must be interpreted as meaning that the transfer of the actuarial equivalent of retirement pension rights may be requested both by officials and members of the contract staff who enter a national administration for the first time after having been employed in an EU institution and by those who return to a national administration after having performed duties in an EU

institution in the context of a period of non-active status or leave on personal grounds.

Creator: European Court of Justice (ECJ)

Verdict at: 2021-02-04

Case number: C-903/19