

SUMMARY

ECJ 8 December 2022, case C-731/21, (Caisse nationale d'assurance pension), Social Insurance

GV – v – Caisse nationale d'assurance pension, Luxembourg case

Summary

Cross-border workers do not need to register a civil partnership that was entered into in another Member State to be granted a survivor's pension. The ECJ's summary of the judgment is available [here](#).

Question

Must Article 45 TFEU and Article 7(2) of Regulation No 492/2011 be interpreted as precluding legislation of a host Member State which provides that the grant, to the surviving partner of a partnership that was validly entered into and registered in another Member State, of a survivor's pension due on account of the exercise, in the first Member State, of a professional activity by the deceased partner, is subject to the condition that the partnership was first recorded in the register kept by that State?

Ruling

Article 45 TFEU and Article 7 of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, as amended by Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016, must be interpreted as precluding legislation of a host Member State which provides that the grant, to the surviving partner of a partnership that was validly entered into and registered in another Member State, of a survivor's pension due on account of the exercise, in the first Member State, of a professional activity by the deceased partner, is subject to the condition that the partnership was first recorded in the register kept by that State.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-12-08

Case number: C-731/21