

SUMMARY

# **ECJ 20 April 2023, case C-52/22 (BVAEB (Adaptation des pensions de retraite)), Age Discrimination, Pension**

## ***BF – v – Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau (BVAEB), Austrian case***

### **Summary**

Recalculation of pension rights resulting from transition into a new system not found discriminatory.

### **Questions**

Must Article 2(1) and (2)(a) and (b) and Article 6(1) of Directive 2000/78 be interpreted as precluding national legislation which, with a view to gradually aligning the pension scheme for civil servants with the general pension scheme, provides that the first adjustment of the amount of the retirement pension of one category of civil servants is to be made as from the second calendar year following the commencement of entitlement to a pension, whereas, for another category of civil servants, that adjustment is to be made from the first calendar year following the commencement of that entitlement?

### **Ruling**

Article 2(1) and (2)(a) and (b) and Article 6(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as not precluding national legislation which, with a view to gradually aligning the pension scheme for civil servants with the general pension scheme, provides that the first adjustment of the amount of the retirement pension of one category of civil servants is to be made as from the second calendar year following the commencement of entitlement to a pension, whereas, for another category of civil servants, that adjustment is to

be made from the first calendar year following the commencement of that entitlement.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2023-04-20

**Case number:** C-52/22