

SUMMARY

ECJ 27 April 2023, case C-681/21 (BVAEB (Montant de la pension de retraite)), Age Discrimination, Pension

Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau (BVAEB) – v – BB, Austrian case

Summary

Amending the pension scheme of a previously advantaged category of workers: no retroactive effect allowed, unless an overriding reason in the public interest exists.

Question

Must Article 2(1) and (2)(a) and Article 6(1) of Directive 2000/78 be interpreted as precluding national legislation which, in order to end discrimination on grounds of age, provides for the retirement pension scheme for civil servants within the previously advantaged category to be treated, with retroactive effect, in the same way as the retirement pension scheme for civil servants within the previously disadvantaged category?

Ruling

Article 2(1) and (2)(a) 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 precluding, in the absence of an overriding reason in the public interest, national legislation which, in order to end discrimination on grounds of age, provides for the retirement pension scheme for a category of civil servants previously advantaged by the national legislation relating to retirement pension rights to be treated, with retroactive effect, in the same way as the retirement pension scheme for the category of civil servants previously disadvantaged by that legislation.

Creator: European Court of Justice (ECJ)

Verdict at: 2023-04-27

Case number: C-681/21