

SUMMARY

ECJ 22 February 2024, case C-283/21 (Deutsche Rentenversicherung Bund), Pension

VA – v – Deutsche Rentenversicherung Bund, RB, German case

Summary

The right of free movement may have the effect that the Member State responsible for payment of pension for total incapacity for work must take into account the child-raising periods completed in another member state. The ECJ's summary of the case can be found [here](#).

Question

Must Article 21 TFEU be interpreted as meaning that, for the purposes of the grant of a pension for total incapacity for work, where the person concerned does not satisfy the condition of pursuing an activity as an employed or self-employed person imposed by Article 44(2) of Regulation (EC) No 987/2009 in order to have taken into account, by the Member State responsible for payment of that pension, child-raising periods which he or she completed in another Member State, but has exclusively completed periods of insurance in the first Member State, by virtue of periods of training or occupational activity, both before and after those child-raising periods, that Member State is required to take those child-raising periods into account despite the fact that that person did not pay contributions in that Member State before or immediately after those child-raising periods?

Ruling

Article 21 TFEU must be interpreted as meaning that, for the purposes of the grant of a pension for total incapacity for work, where the person concerned does not satisfy the condition of pursuing an activity as an employed or self-employed person imposed by

Article 44(2) of Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004 in order to have taken into account, by the Member State responsible for payment of that pension, child-raising periods which he or she completed in another Member State, but has exclusively completed periods of insurance in the first Member State, by virtue of periods of training or occupational activity, both before and after the completion of those child-raising periods, that Member State is required to take those child-raising periods into account despite the fact that that person did not pay contributions in that Member State before or immediately after those child-raising periods.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-02-22

Case number: C-283/21