

SUMMARY

ECJ 28 November 2024, case C-758/22 and C-759/22 (Bayerische Ärzteversorgung and Others), Pension

Bayerische Ärzteversorgung, Architektenversorgung, Apothekerversorgung, Rechtsanwalts- und Steuerberaterversorgung, Ingenieurversorgung-Bau m. Psychotherapeutenversorgung and Sächsische Ärzteversorgung – v – Deutsche Bundesbank, German case

Summary

The activities of pension funds within the meaning of paragraph 2.105 of Annex A to regulation No 549/2013 satisfy four criteria, as set out by the ECJ.

Question

Must the provisions of Annex A to Regulation No 549/2013 be interpreted as meaning that mutual insurance institutions – which offer benefits covering the risks of retirement, death and invalidity to members who are, for the most part, subject to compulsory membership on account of pursuing a particular profession – are covered by the concept of ‘pension funds’, within the meaning of paragraph 2.105 of that annex and, accordingly, must be subject to the statistical reporting requirements laid down in Regulation 2018/231?

Ruling

The provisions of Annex A to Regulation No 549/2013 must be interpreted as meaning that mutual insurance institutions whose activities have all the following characteristics are covered by the concept of pension funds, within the meaning of paragraph 2.105 of that annex and, accordingly, must in principle be subject to the statistical reporting requirements laid down by Regulation (EU) 2018/231 of the European Central Bank of 26 January 2018 on statistical reporting requirements for pension funds:

those mutual insurance institutions offer benefits covering the risks of retirement, death and invalidity;
they enjoy management autonomy and keep a complete set of accounts;
the vast majority of their members are subject to a legal membership requirement on account of pursuing a particular profession, it being understood that those mutual insurance institutions are not, in principle, permitted to provide their services to other persons;
the level of benefits offered to members, which general government does not guarantee, depends on the amount of the contributions paid and on the performance by the mutual insurance institution concerned in managing assets.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-11-28

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