

SUMMARY

ECJ 25 February 2025, case C-146/23 (Sąd Rejonowy w Białymstoku), other fundamental rights

XL – v – Sąd Rejonowy w Białymstoku and SR, RB – v – Lietuvos Respublika, Polish and Lithunian case

Summary

The Staff Regulations do not require pension calculations based on the average salary earned throughout a parliamentary assistant's career.

Question

Must the second subparagraph of Article 19(1) TEU, read in conjunction with Article 2 TEU, be interpreted as meaning that the principle of judicial independence precludes:

on the one hand, the legislature and the executive of a Member State from laying down in a discretionary manner, in the legislation of that Member State, the detailed rules for determining judges' remuneration;

on the other hand, the legislature and the executive of a Member State from derogating from the legislation of that Member State, which defines objectively the detailed rules for determining judges' remuneration, by deciding to increase the remuneration by less than is provided for by that legislation or even to freeze or reduce the amount of that remuneration?

Ruling

The second subparagraph of Article 19(1) TEU, read in conjunction with Article 2 TEU, must be interpreted as meaning that the principle of judicial independence does not preclude:

on the one hand, the legislature and the executive of a Member State from determining the remuneration of judges in so far as that determination does not involve the exercise of an arbitrary power but is based on detailed rules which:

are provided for by law,
are objective, foreseeable, stable and transparent,
ensure that judges receive a level of remuneration commensurate with the importance of the functions they carry out, having regard to the economic, social and financial situation of the Member State concerned and the average salary in that Member State, and
may be subject to effective judicial review in accordance with the procedural rules laid down by the law of that Member State;

on the other hand, the legislature and the executive of a Member State from derogating from national legislation, which defines objectively the detailed rules for determining judges' remuneration, by deciding to increase that remuneration by less than is provided for by that legislation or even to freeze or reduce the amount of that remuneration, in so far as such a derogating measure does not involve the exercise of an arbitrary power but:

is provided for by law,
sets detailed rules for remuneration that are objective, foreseeable and transparent,
is justified by an objective of general interest pursued in the context of measures which, subject to duly justified exceptional circumstances, are not specifically aimed at judges but affect, more generally, the remuneration of other categories of officials or public servants,
is necessary and strictly proportionate to the attainment of that objective, which presupposes that the derogating measure remains exceptional and temporary and does not undermine the commensurate nature of judges' remuneration with the importance of the functions they carry out, and
may be subject to effective judicial review in accordance with the procedural rules laid down by the law of the Member State concerned.

Creator: European Court of Justice (ECJ)

Verdict at: 2025-02-25

Case number: C-146/23