

SUMMARY

ECJ 12 June 2025, case C-7/24 (Deutsche Rentenversicherung Nord and BG Verkehr), social insurance

Deutsche Rentenversicherung Nord, BG Verkehr – v – Gjensidige Forsikring, Danish and German case

Summary

Article 85(1)(a) of Regulation (EC) No 883/2004 must be interpreted as such that the right of subrogation provided for by the legislation of a Member State for a benefit paid under that legislation may extend to a benefit provided for by the legislation of the Member State in whose territory the events giving rise to a trigger event, such as an accident at work, occurred, where both of these benefits are sufficiently comparable as regards their respective subject matters and purposes.

Question

Must Article 85(1) of Regulation No 883/2004 be interpreted as meaning that, where a person, under the legislation of the Member State in which he or she is resident, receives a widow's or widower's pension following the death of his or her spouse as a result of an accident at work which occurred in another Member State, and the legislation of the first Member State provides, with respect to the institution responsible for paying that pension, for a right of subrogation against a third party liable to provide compensation for the injury resulting from that accident at work, the recoupment action of that institution is subject to the existence, in the second Member State, of legal basis allowing such a pension or equivalent benefit to be obtained?

Ruling

Article 85(1)(a) of Regulation No 883/2004 must be interpreted as meaning that, where a

person, under the legislation of the Member State in which he or she is resident, receives a widow's or widower's pension following the death of his or her spouse as a result of an accident at work which occurred in the territory of another Member State, and the legislation of the first Member State provides, with respect to the institution responsible for paying that pension, for a right of subrogation against a third party liable to provide compensation for the injury resulting from that accident at work, the recoupment action of that institution is not subject to the existence, in the second Member State, of a legal basis allowing such a pension or equivalent benefit to be obtained, in so far as it is sufficient that the benefits provided for following a trigger event, such as an accident at work, by the legislation of the Member States concerned are sufficiently comparable as regards their respective subject matter and purposes for the right of subrogation provided for by the legislation of the first Member State and referred to in Article 85(1) to be extended to the benefit provided for by the second Member State.

Creator: European Court of Justice (ECJ)

Verdict at: 2025-06-12

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