

SUMMARY

ECJ 18 December 2025, Case C-776/24 (Bopuis), Pension

CJ - v - Service fédéral des Pensions (SFP), Belgium case

Summary

An EU official's decision to transfer pension rights acquired prior to the entry into service of the EU to the pension scheme of the EU institutions may be irrevocable under national legislation, even where this legislation provides for the transfer by subrogation, as long as those rights are ultimately taken into account in the calculation of the amount of the pension awarded.

Question

Must Article 11(2) of Annex VIII to the Staff Regulations and the principle of sincere cooperation enshrined in Article 4(3) TEU be interpreted as precluding national legislation under which the decision of an EU official to transfer to the PSEUI his or her pension rights acquired in a national pension scheme prior to his or her entry into the service of the European Union is irrevocable, where that legislation does not provide for the actual transfer of such pension rights on the date of that decision, but for such a transfer by subrogation of the EU institutions to those acquired rights from the date on which the official may claim his or her retirement pension, with the risk of unjust enrichment of the EU institutions?

Ruling

Article 11(2) of Annex VIII to the Staff Regulations of Officials of the European Union and the principle of sincere cooperation enshrined in Article 4(3) TEU

must be interpreted as not precluding national legislation under which the decision of an EU official to transfer to the pension scheme of the European Union institutions his or her pension rights acquired in a national pension scheme prior to his or her entry into the service

of the European Union is irrevocable, where that legislation does not provide for the actual transfer of such pension rights on the date of that decision, but for such a transfer by subrogation of the EU institutions to those acquired rights from the date on which the official may claim his or her retirement pension, provided that the transferred pension rights are actually taken into account in the calculation of the amount of the pension awarded.

Creator: European Court of Justice (ECJ)

Verdict at: 2025-12-18

Case number: C-776/24