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Judgments of the General Court in Joined Cases T-620/23 to T-1023/23 | Barón Crespo and Others v Parliament and in Case T-483/24 | FE v Parliament

### **Additional voluntary pension scheme: the actions of 405 former Members of Parliament or their legal successors challenging the reduction of their additional pension by half are dismissed**

Following the adoption of the Statute for Members of the European Parliament,<sup>1</sup> a uniform pension scheme entered into force as from 14 July 2009. Previously, Members received a pension paid by the Member State for which they had been elected.<sup>2</sup> Irrespective of that pension and due to the strong disparities between national pension schemes, in 1990 the Parliament introduced an additional voluntary pension scheme ('the AVPS') and established a pension fund ('the Fund'). That fund was entrusted with the task of receiving the contributions, managing those assets and paying the additional pensions. All Members of the European Parliament were eligible for the scheme, the objective of which was to ensure an additional pension for life.<sup>3</sup>

The transitional measures<sup>4</sup> laid down in the new Statute for Members of the European Parliament maintained the AVPS for persons already affiliated but did not allow for newly-elected Members to join. The AVPS rules were amended a number of times, including in 2009 and 2018, due to the deterioration of the Fund's economic and financial situation.

In 2023, the Bureau of the Parliament decided<sup>5</sup> to reduce by half the pension amounts owing under the AVPS and to abolish the updating of those amounts.

Mr Enrique Barón Crespo<sup>6</sup> and other former Members of the European Parliament<sup>7</sup> or their legal successors brought an action before the General Court of the European Union seeking annulment of the payment notices relating to their pensions, adopted pursuant to that decision, which they consider to be unlawful and contrary to the transitional measures adopted in 2009.

#### **The General Court dismisses the actions.**

**The objective** of the transitional measures relied on **was to define the scope *ratione personae* of the AVPS** in the context of the new statutory single pension scheme, **rather than to establish the substantive terms of the AVPS**, thereby prohibiting any amendment to the detailed rules of that scheme for the future, including those affecting the pension amount.

**The principle of the protection of acquired rights does not mean that any** change in the detailed rules for calculating a pension leading to a **reduction in the pension amount constitutes an adverse effect** on those acquired rights. A distinction must be drawn between acquired pension rights and pension amounts.

As regards beneficiaries' legitimate expectations, **neither the Statute nor the implementing measures thereof provide for the right to maintain a given pension amount.** The mere practice by the Parliament, until the 2023 decision, of making amendments to the AVPS affecting only those beneficiaries of that scheme who were not yet in receipt of their additional pension could not give rise to a legitimate expectation that future reforms of the scheme could not concern those persons already in receipt thereof.

**The applicants' property rights** <sup>8</sup> **consist of a right to receive a pension under the AVPS and not a right to a claim for a given amount.** They have failed to demonstrate that the size of the reduction in the pension amounts owing under the AVPS resulting from the 2023 decision negates the essence of the pension right, thereby adversely affecting the essence of the right to property.

The objectives pursued by the 2023 decision are the safeguarding of the Fund in the short term and limiting the impact of its deficit for European taxpayers. Especially given that it is a voluntary additional pension, that decision **does not have the effect of reducing the nominal pension amounts to a manifestly unreasonable level**, in view of the duration of the term of office and the contribution amounts paid.

**NOTE:** An action for annulment seeks the annulment of acts of the institutions, bodies, offices and agencies of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

**NOTE:** An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

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The full text and, as the case may be, an abstract of the judgments ([T-620/23 to T-1023/23](#) and [T-483/24](#)) are published on the CURIA website on the day of delivery.

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<sup>1</sup> [Decision 2005/684/EC, Euratom](#) the European Parliament of 28 September 2005 adopting the Statute for Members of the European Parliament.

<sup>2</sup> Where no pension was provided under national arrangements or where the level or conditions of the pension provided were not identical to those applicable to Members of the national parliament of the Member State for which the Member had been elected, he or she could receive a retirement pension or additional retirement pension paid out of the European Union budget.

<sup>3</sup> The basis for calculation of the contributions and of the pension amount was 40% of the basic salary of a Judge at the Court of Justice of the European Union. The AVPS was one-third financed through participating members' contributions and two-thirds by the Parliament.

<sup>4</sup> Article 27 of the Statute.

<sup>5</sup> [Decision](#) of the Bureau of the European Parliament of 12 June 2023 amending the Implementing Measures for the Statute for Members of the European Parliament ('the 2023 decision').

<sup>6</sup> Mr Barón Crespo was a Member of the European Parliament from 1986 to 2009, and President of the Parliament from 1989 to 1992.

<sup>7</sup> The actions brought by Mr Barón Crespo and 403 other former Members of the European Parliament or their legal successors were joined and are therefore addressed in a single judgment. The action brought by FE, another former Member of the European Parliament, is addressed in a separate judgment. FE began receiving the pension owing under the AVPS in January 2012, with the payment of that pension having been suspended from July 2019 to July 2024 due to that Member's re-election to Parliament.

<sup>8</sup> Enshrined in [Article 17\(1\)](#) of the Charter of Fundamental Rights of the European Union.