



Forthcoming Grand Chamber judgment in a case concerning a civil servant's pension rights

The European Court of Human Rights will be delivering a **Grand Chamber** judgment¹ in the case of **Fábián v. Hungary** (application no. 78117/13) at a public hearing on 5 September 2017 at 9 a.m. in the Human Rights Building, Strasbourg.

The case concerns the suspension of Mr Fábián's old-age pension on the grounds that he continued to be employed in the public sector.

Principal facts and complaints

The applicant, Gyula Fábián, is a Hungarian national who was born in 1953 and lives in Budapest.

Mr Fábián took early retirement at the age of around 47 and started receiving a service pension from 1 January 2000. However, he continued to work, first in the private sector from 2000 to 2012, and then in the public sector from 1 July 2012 to 1 April 2015.

On 1 January 2013 an amendment to the 1997 Pensions Act entered into force, according to which the disbursement of old-age pensions to persons employed at the same time in certain categories within the civil service would be suspended from 1 July 2013 onwards for the duration of their employment.

On 2 July 2013 the National Pensions Administration informed Mr Fábián, who had been working as the head of the Road Maintenance Department of a district municipality in Budapest, that the disbursement of his pension – equivalent to around 550 euros (EUR) per month at the relevant time – had been suspended as of 1 July 2013 because he was employed at the same time in the public sector. Mr Fábián appealed unsuccessfully against that decision. He left his post with the municipality on 31 March 2015 and began once more to receive his pension, which had been increased to around EUR 585.

The rule in question did not apply to retired persons working in the private sector.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights, Mr Fábián complains about the suspension of disbursement of his pension.

Under Article 14 (prohibition of discrimination) of the Convention, read in conjunction with Article 1 of Protocol No. 1, Mr Fábián alleges that he was subjected to an unjustified difference in treatment compared with pension recipients working in the private sector and those working in certain categories within the public sector.

Procedure

The application was lodged with the European Court of Human Rights on 5 December 2013.

In its Chamber [judgment](#) of 15 December 2015 the Court held unanimously that there had been a violation of Article 14 of the Convention taken in conjunction with Article 1 of Protocol No. 1.

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

On 11 March 2016 the Government requested that the case be referred to the Grand Chamber under Article 43 of the Convention (referral to the Grand Chamber), and on 2 May 2016 the panel of the Grand Chamber accepted that request. A hearing took place on 9 November 2016.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.