



C/2025/2644

19.5.2025

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 18 February 2025 – LF v Pensionsversicherungsanstalt

(Case C-142/25, Pensionsversicherungsanstalt)

(C/2025/2644)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Appellant on a point of law: LF

Respondent in the appeal on a point of law: Pensionsversicherungsanstalt

Questions referred

1. Is the first part of the first sentence of Article 44(2) of Regulation (EC) No 987/2009 (¹) to be interpreted as meaning that the Member State which is competent under Title II of Regulation (EC) No 883/2004 (²) generally takes no child-raising period into account under its legislation or takes no child-raising period into account in a particular case?
2. Is Article 21 TFEU to be interpreted as meaning that the Member State responsible for payment of an old-age pension, in the event that the conditions set out in Article 44(2) of Regulation (EC) No 987/2009 – **a.** pursuit of an activity as an employed or self-employed person in that Member State at the date when the child-raising period started to be taken into account for the child concerned or **b.** no child-raising period being taken into account by the Member State which is competent under Title II of Regulation (EC) No 883/2004 to coordinate the social security systems – are not satisfied, but the person in question has completed periods of insurance arising from employment both before and after the child-raising periods in the Member State responsible for payment of the benefit, is obliged to take the child-raising periods into account irrespective of the fact that the person, following the child-raising periods, also acquired periods of insurance by reason of pursuit of an employed or self-employed activity in a third Member State?

(¹) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ 2009 L 284, p. 1).

(²) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).