Judgment of the Court (Ninth Chamber) of 12 June 2025 (request for a preliminary ruling from the Retten i Svendborg – Denmark) – Deutsche Rentenversicherung Nord, BG Verkehr v Gjensidige Forsikring, Danish subsidiary of Gjensidige Forsikring ASA, Norway, as representative of Marius Pedersen A/S, Gjensidige Forsikring, Danish subsidiary of Gjensidige Forsikring ASA, Norway

(Case C-7/24, [1] **Deutsche Rentenversicherung Nord and BG Verkehr)**

(Reference for a preliminary ruling – Social security – Migrant workers – Coordination of social security systems – Regulation (EC) No 883/2004 – Article 85(1) – Benefits payable under the legislation of a Member State for injury sustained in the territory of another Member State – Right of action of the institutions responsible for providing benefits against a liable third party – Rights of the injured party – Subrogation – Limits)

(C/2025/4126)

Language of the case: Danish

Referring court

Retten i Svendborg

Parties to the main proceedings

Applicants: Deutsche Rentenversicherung Nord, BG Verkehr

Defendants: Gjensidige Forsikring, Danish subsidiary of Gjensidige Forsikring ASA, Norway, as representative of Marius Pedersen A/S, Gjensidige Forsikring, Danish subsidiary of Gjensidige Forsikring ASA, Norway

Operative part of the judgment

Article 85(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems

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.

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[1] OJ C, C/2024/1847.