

**Operative part of the judgment**

The Court:

1. Annuls the decisions of the European Investment Bank (EIB) of 8 February and 8 March 2019 declaring KL fit to work and absent without justification since 18 February 2019 and the decision of the President of the EIB of 16 March 2020 maintaining those decisions;
2. Orders the EIB to pay an invalidity pension to KL from 1 February 2019 and default interest on that pension until such time as payment has been made in full, the default interest rate being the interest rate applied by the European Central Bank (ECB) for its principal refinancing operations and in force on the first day of the month in which the deadline for payment falls, increased by two percentage points, less the sums paid by way of remuneration to the applicant during the same period and in respect of which it would appear that, due to the payment of the invalidity pension, they were not payable to the applicant;
3. Dismisses the action as to the remainder;
4. Orders the EIB to pay the costs.

---

<sup>(1)</sup> OJ C 255, 3.8.2020.

---

**Judgment of the General Court of 1 December 2021 — KY v Court of Justice of the European Union**

(Case T-433/20) <sup>(1)</sup>

*(Civil service — Officials — Pensions — Pension rights acquired before entry into the service of the EU — Transfer to the EU scheme — Crediting of additional pensionable years — Restitution of the amount of pension rights not taken into account in the EU's pension annuity scheme — Article 11(2) of Annex VIII to the Staff Regulations — The 'minimum subsistence figure' rule — Unjust enrichment)*

(2022/C 37/39)

Language of the case: French

**Parties**

*Applicant:* KY (represented by: J.-N. Louis, lawyer)

*Defendant:* Court of Justice of the European Union (represented by: J. Inghelram and A. Ysebaert, acting as Agents)

**Re:**

Application under Article 270 TFEU for annulment of the implied decision, confirmed by the express decision of 10 October 2019, rejecting the request for restitution of the non-subsidised part of the pension rights acquired by the applicant before she took up her duties and transferred to the pension scheme of the institutions of the European Union.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders KY to pay the costs.

---

<sup>(1)</sup> OJ C 279, 24.8.2020.