



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 25 August 2014

SECOND SECTION

Application no. 78117/13
Gyula FÁBIÁN
against Hungary
lodged on 5 December 2013

STATEMENT OF FACTS

The applicant, Mr Gyula Fábián, is a Hungarian national, who was born in 1953 and lives in Budapest. He is represented before the Court by Mr A. Grád, a lawyer practising in Budapest.

The facts of the case, as submitted by the applicant, may be summarised as follows.

The applicant, already in receipt of an old-age pension, took up employment with Budapest XIII District Municipality as a civil servant, as of 1 July 2012.

On 1 January 2013 an amendment to the 1997 Pension Act entered into force, according to which the disbursement of those old-age pensions whose beneficiaries are simultaneously employed within the public sector will be suspended for the duration of their employment. No such restriction was put in place in respect of those who are in receipt of an old-age pension while being employed within the private sector.

In application of this new rule, on 2 July 2013 the disbursement of the applicant's pension was suspended. The applicant's administrative appeal to the National Pension Board was to no avail.

COMPLAINTS

The applicant complains under Article 1 of Protocol No. 1, read alone and in conjunction with Article 14 of the Convention, that the measure amounted to an unjustified interference with his property rights, which is also discriminatory, since pensioners actively employed within the private sector are not subjected to it.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicant's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1, given the withdrawal of his pension entitlement?
2. Has the applicant suffered discrimination in the enjoyment of his Convention rights on the ground of his re-employment in the public sphere, contrary to Article 14 of the Convention read in conjunction with Article 1 of Protocol No. 1? Is this ground a protected characteristic ("status") for the purposes of Article 14 (cf. *Kjeldsen, Busk Madsen and Pedersen v. Denmark*, 7 December 1976, § 56, Series A no. 23; *Magee v. the United Kingdom*, no. 28135/95, § 50, ECHR 2000-VI)?