

**Question for written answer E-000931/2019
to the Commission**
Rule 130
Auke Zijlstra (ENF) and André Elissen (ENF)

Subject: Erosion of the provisions of the Dutch Pensions Act

On 12 February, the Chamber of Representatives of the Netherland Parliament adopted a motion against the Pan-European Pension Product (PEPP). This motion is based on the impairment of the second pension pillar of the Dutch Pensions Act. The PEPP requires substantial amendments to the law in the Netherlands. Despite the objections from the Netherlands, the European institutions have agreed on the introduction of the PEPP.

This is contrary to Article 114(2) TFEU, which makes an exception to Article 114(1) for the rights and interests of employed persons. According to paragraph 2 of the article, the Commission may not interfere with fiscal provisions and the rights and interests of employed persons. But as a result of the PEPP, Dutch pension funds will increasingly come under EU supervision.

1. Does the Commission not consider that the exception to Article 114 TFEU applies to the pensions of employees (the second pillar of the Pensions Act)?
2. If paragraph 2 does not apply to employees' pensions, what is the value of Article 114(2) TFEU if loopholes are constantly sought to enable the EU to interfere with national powers?
3. How can the unique Dutch system with its funded occupational pensions be protected, when the Netherlands is confronted with decisions taken by majority vote at the European institutions?