

WRITTEN QUESTION E-3022/02

by Joke Swiebel (PSE)

to the Commission

Subject: Termination of employment on grounds of age before an employee has reached the age of eligibility for a State pension (65 in the Netherlands) permitted under Directive 2000/78/EC?

1. Is the Commission aware of Dutch legislative bill 28170 for an 'Equal Treatment on Grounds of Age in Employment Act' to implement Directive 2000/78/EC¹ establishing a general framework for equal treatment in employment and occupation and in connection with Article 1 of the Constitution? The purpose of the bill is to prohibit discrimination on grounds of age in employment, occupation and vocational training. It prohibits discrimination on grounds of age, except that employment may be terminated when an employee reaches the age of 65, the age at which people become eligible for a general State old age pension.

2. Is the Commission aware of amendment 28170 no 9, an amendment to the above bill, which has been tabled in the Lower House of the Dutch Parliament? Its purpose is to allow employees aged under 65 to have their employment terminated on grounds of age if the parties to a collective agreement so agree. It does not provide for any check as to whether this is objectively justified.

3. Would such a provision be permitted under Directive 2000/78/EC?

4. If the Lower House adopts the amendment, will the Commission in due course call the Netherlands to account?

¹ OJ L 303, 2.12.2000, p. 16.