

**Question for written answer E-001659/2023
to the Commission**

Rule 138

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Subject: Breach of EU law by penalising early retirement for pensioners with more than 40 years of contributions

As the Court of Justice of the European Union found in the *Kücükdeveci* and *Römmmer* cases, the entry into force of the Lisbon Treaty and the Charter of Fundamental Rights has strengthened the scope and substance of the prohibition of discrimination on the grounds of age as a general principle of EU law by legally anchoring it specifically in Article 21 of the Charter.

This general principle should be broadly interpreted, including the full range of prohibited grounds of discrimination. Therefore, if the EU legislature adopts 'actions' to combat discrimination in accordance with Article 19(1) of the Treaty on the Functioning of the European Union, it should do so in line with the general principle of equal treatment as set out in the primary law, thus countering the large margin of discretion that States enjoy when the application of Directive 2000/78 is invoked in retirement cases.

1. How does the Commission intend to promote the application of the general principle of non-discrimination in cases of early retirement with more than 40 years of contributions, as is the case with Spain and France?
2. Why does the Commission not directly apply primary EU law ahead of the limits of Directive 2000/78?

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