

**Question for written answer E-000211/2024
to the Commission**

Rule 138

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Subject: Early retirement schemes that discriminate against workers with long contribution periods

The Court of Justice of the European Union (CJEU) has established that the principle of non-discrimination on the grounds of age is a cornerstone of EU law, recognising its horizontal direct effect (Mangold and Kükdeveci cases). That principle is embodied in Article 21 of the EU Charter of Fundamental Rights (CFREU) on the basis of the Treaty of Lisbon, strengthening it further.

The Commission's recent legal action against Hungary before the CJEU (C-769/22) demonstrates that Directive 2000/78/EC cannot invalidate the Union's primary law. Given that that Directive was adopted before the Charter was incorporated into EU primary law and given that social protection laws, including the provisions on retirement age, fall within the remit of the European Union and not just the Member States, I would ask the following:

1. How does the Commission intend to amend Directive 2000/78/EC and limit Member States' discretion in setting up early retirement schemes that discriminate against workers with long contribution periods who are negatively affected by reduction coefficients? There is no public report on the last assessment from 2019, despite the five-year review.
2. Proposal for a directive 2008/0140/APP seeks, among other things, to prevent age discrimination in social security and promote equal treatment between persons. Is the Commission committed to adopting this proposal?

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