

SUMMARY

ECJ 12 December 2019, case C-450/18 (Instituto Nacional de la Seguridad Social), Gender discrimination, Pension

WA - v - Instituto Nacional de la Seguridad Social (INSS), Spanish case

Question

Must Directive 79/7 be interpreted as meaning that it precludes national legislation which, on account of the women's demographic contribution to social security, makes provision for the right to a pension supplement for women who have had at least two biological or adopted children and who are in receipt of contributory permanent incapacity pensions under a scheme within the national social security system, while men in an identical situation do not have a right to such a pension supplement?

Ruling

Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security must be interpreted as meaning that it precludes national legislation, such as that at issue in the main proceedings, which makes provision for the right to a pension supplement for women who have had at least two biological or adopted children and who are in receipt of contributory permanent incapacity pensions under a scheme within the national social security system, while men in an identical situation do not have a right to such a pension supplement.

Creator: European Court of Justice (ECJ)

Verdict at: 2019-12-12

Case number: C-450/18