

SUMMARY

# **ECJ 12 May 2021, Case C-130/20 (INSS (Complément de pension pour les mères – II)), Gender Discrimination, Pension**

***YJ – v – Instituto Nacional de la Seguridad Social (INSS), Spanish case***

## **Summary**

Directive 79/7 on equal treatment for men and women in matters of social security does not apply to national legislation which grants a pension supplement to women with at least two children who retire (early) on grounds of law but not in case of voluntary early retirement, as the Directive concerns discrimination between men and women.

## **Question**

Must Article 4(1) of Directive 79/7 be interpreted as precluding national legislation which provides that women who have had at least two biological or adopted children are entitled to a pension maternity supplement in the event of retirement at the statutory age or early retirement on certain grounds laid down by law, but not if the person concerned voluntarily takes early retirement.

## **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 does not apply to national legislation which provides that women who have had at least two biological or adopted children are entitled to a pension maternity supplement in the event of retirement at the statutory age or early retirement on certain grounds laid down by law, but not if the person concerned voluntarily takes early retirement.

**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2021-05-12

**Case number:** C-130/20